

THE

L O N D O N R E V I E W

OF

Politics, Society, Literature, Art, & Science.

No. 181.—VOL. VII.]

SATURDAY, DECEMBER 19, 1863. [WITH SUPPLEMENT, { PRICE 4d.
Stamped 6d.

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REVIEW OF POLITICS.

IT is clear that the Federal accounts have as usual exaggerated the results of the victory obtained over General Bragg. Although the army under that commander has suffered severe loss, it does not seem to have become demoralised, or even incapable of making head against the Northern forces. General Grant has not been able to follow up his advantage by completing its destruction, but has, on the contrary, closed the campaign for the year, so far as he is concerned. At the same time there is no doubt that the Federal general has gained considerably in a strategic point of view by forcing his antagonist to a retreat which has separated him from Longstreet. The latter commander has not yet raised the siege of Knoxville, but it is not likely that he can persist much longer in renewing attacks which are said to have been hitherto unattended with success. Although it is asserted that he had been reinforced, he can be in no position to deal at once with the army of Burnside and the forces which are approaching under General Foster from Cumberland Gap, and under General Sherman from Chattanooga. On the other hand, General Meade has once more been obliged to fall back towards Washington. His wary antagonist, after retiring gradually to the Mine-run Valley, was there found so strongly posted that the Federal generals dared not venture an attack. This abortive termination of a movement from which so much was expected, has evidently caused the greatest disappointment in the North; and has led as usual to an immediate outcry for the dismissal of the unsuccessful general. It is even rumoured that the army of the Potomac will advance again under another leader, but the state of the weather is almost certain to prevent such a step, even if a general can be found to work out the strategy of the Washington War-office. We do not anticipate that there will be any more fighting of importance in Virginia during the present year.

If we may believe the statement of a Frankfort journal, whose authority is entitled to some respect, the Emperor of France has not quite given up the hope of assembling some kind of Congress to debate some undefined questions. It is admitted, indeed, that the refusal of England has frustrated the original project. Paris cannot be gratified by witnessing a meeting of the Sovereigns of Europe, or their representatives, charged with the duty and intrusted with the power of settling all the thorny questions which are or may be on the diplomatic *tapis*. But, although a conclave vested with such plenary authority cannot be called together, M. Drouyn de Lhuys is said to think it useful that such Governments as choose should debate amongst themselves any questions "which, if left to chance circumstance, might conduct to

the most fatal complications." It is added, that several Governments have accorded a favourable reception to this proposition. Of course, until we have some more definite information on the subject, it is impossible to pronounce a decided opinion on this modified scheme. But it is certainly difficult to see how the discussions of a few Powers, in the absence of the rest, could settle, or even tend to the solution of any questions whatever. From the letters which have already appeared in answer to Louis Napoleon's first invitation, it is obvious that none of the great States are disposed to deliberate upon the matters which most vitally affect them, with their equals or rivals. If they are unwilling to submit to the interference of a body which might really claim to represent Europe, they would be still less willing to tolerate the meddling of a mere Rump Congress. No decision of any importance could emanate from such an assembly, the purposeless talk of whose members would soon render it a general laughing-stock. It is possible that the Foreign Minister of France may deem it desirable to cover the total failure of his master's grand scheme by some such despatch as we have been referring to, but we cannot believe that he seriously contemplates a step which could by no possibility lead to any practical result.

In the meantime, those domestic difficulties which the Emperor, no doubt, thought to ward off by fixing the attention of France on a European Congress, seem to be thickening around him. France is awakening from the long sleep of the last ten years. Frenchmen are at last showing, by unmistakeable signs, that they are becoming impatient of their chains. In spite of the most strenuous and unscrupulous exertions of the Government officials, M. Pelletan has been returned for the ninth district of the Seine by a considerably larger majority than the Opposition candidate obtained in June last. The Dijon election has terminated in a similar manner. The debate upon the address in the Senate has been marked by a display of hostility in quarters where the Imperial Government had hitherto found almost unbounded servility. We may have our own opinion as to the motives of M. de Laguerronnière in denouncing the mode in which recent elections have been conducted, in protesting against the restrictions imposed upon the press, and in advocating a relaxation of the existing system of administrative centralization. But he would certainly not have uttered such sentiments had he been doubtful of their general acceptance. M. de Boissy, who generally throws all his vigour into a diatribe against England, has on this occasion turned the fiery current of his eloquence against an enemy nearer home. He also is indignant at the way in which universal suffrage has been manipulated in the interest of official candidates. Amongst the chosen councillors of the Emperor he finds "ill-omened and pestiferous persons." He

clamours for the return of the French army from Mexico ; declaims against the cast-iron immobility, " rigid as the grave," to which his country is reduced ; and yearns after a " vitality at home," for which he finds no compensation in a restless policy abroad. This language, in the decorous and carefully-selected Senate, from one who has certainly no Republican, or even Liberal, proclivities, has naturally produced a considerable sensation in Paris. If such sentiments are heard, as they were, with approval in the Senate, what may not be expected in the impending debates of the *Corps Législatif*? Thiers and Jules Favre will hardly deal more delicately than the Marquis de Boissy with the Imperial administration and policy.

Within a very few days the German troops charged with the levy of Federal execution will enter Holstein. It is not likely that this measure will be forcibly opposed by Denmark, or that it will serve as a signal for immediate hostilities. But it is impossible not to feel grave apprehensions as to the ultimate consequences of such a step, when the Prime Minister of Prussia hardly conceals the intention of the German powers to seize the first opportunity of getting rid of their obligations under the treaty of 1852. If they so choose, they may easily make their position in Holstein the means of compelling Denmark to fight, or to surrender the two duchies. Nor is it by any means certain that some such mode will not be adopted of attaining the great object of Teutonic ambition and greed. It is possible that Denmark may be advised to consult her safety by withdrawing the constitution under which Schleswig is incorporated with the monarchy. But although peace may for a time be procured by this means, it will we fear be at best but a treacherous truce. The Germans are too strongly bent on aggression not to find an opportunity of breaking through any arrangement which does not put them in possession of their coveted prey—the port of Kiel.

The news received from New Zealand during the past week leaves little room for any hope of a speedy termination of our war with the Maories. It is clear that insurrection is spreading amongst the natives of the northern island ; and although some tribes still profess to be faithful to our rule there is every reason to doubt their loyalty. Up to the date of the departure of the last mail there had been numerous encounters between parties of the natives and detachments of our troops. But General Cameron had not hitherto felt himself in a position to assault the great Maori stronghold of Meremere, although he was making preparations with that view. It was, however, considered doubtful whether the enemy would await his attack, for the natives still adhere to the tactics which they have followed with so much success on former occasions. Their plan is not to fight pitched battles, but to tire out our troops by rapid marches and secret retreats. Until we have organized flying columns suitable for operations in the bush we shall not succeed in bringing on a decisive engagement. That Englishmen can be successfully trained to beat savages even at this kind of warfare was proved by Sir H. Smith in the Kaffir war. We have no fear of ultimate success, but we must prepare ourselves for protracted operations.

Even in the north of England the spirit of Mr. Cobden's and Mr. Bright's recent speeches at Rochdale appears to meet with but little sympathy. If there be any district which has an historical claim to represent the best and soundest part of the Liberal party it is the West Riding of Yorkshire. For generations, indeed for centuries, the popular cause has found there its staunchest supporters ; and men of all ranks have fought together in the great conflicts by which it has been upheld. If we may judge by the speeches delivered at the recent dinner of the Liberal Registration Society at Leeds, the West Riding men are by no means disposed to encourage any attempt to promote reform by setting class against class. The meeting was one of an unusually influential character, and was attended by many of the leading representatives both of the landed and manufacturing interest. But, although there was no lack of earnestness or emphasis in the advocacy of Liberal principles, they listened with more than tolerance to an eloquent panegyric upon the House of Lords by Mr. Edward Baines. They recognised frankly as the great impediment to the passage of a Reform Bill the indisposition of the middle classes to see political power transferred from their hands to those of the classes below them. And although Sir Francis Crossley met with some opposition, he appears to have commanded general assent, when he asserted that such speeches as those recently

delivered at Rochdale had done more to retard Reform than to promote it. The honourable baronet, whose just pride it is that he has himself sprung from the working classes, pointed out the absurdity of representing that they had been injured and oppressed by those who have the vote at present ; and contended strenuously that if the franchise was to be extended, this must be done by persuading and not by frightening its present holders. It is needless to say that nobody here hinted at the desirableness of creating a peasant proprietary, or professed to believe that the poor in England are worse off than the corresponding class in Continental countries. Such inflammatory topics are evidently not to the taste of the practical Yorkshiremen. Their notions of "progress" are not those of the leaders of the so-called Manchester school. They respect the institutions which they have done much to mould ; and they are too thoroughly English to look forward with pleasure to that Americanization of their country which is the cherished dream of the Rochdale agitators.

THE NEW DEAN OF WESTMINSTER AND HIS APOLOGISTS.

It is more than two lustres ago since a Secretary of State, who certainly did not then possess the favour of the *Times*, enunciated as a principle for the foreign policy of England what has since become proverbial as the " *civis Romanus sum*" doctrine. We are not intending to discuss that doctrine now. Probably, in the application which was made of it, it was more consistent with an aggressive than with a peaceful policy—more suitable for domineering Rome than for commercial England. But, however this may be, its expression flattered at once the patriotism and the vanity of Englishmen, and certainly did not diminish the popularity of its author. Time has rolled on, and that Foreign Secretary has now for a long time been Prime Minister with a more general acquiescence than any statesman since the days of Pitt ; and, amongst other great responsibilities, there has devolved on him the duty of appointing to a greater number of high ecclesiastical offices than has fallen to the lot of any Minister since the Revolution. On the whole, the appointments which he has made have given satisfaction and increased the strength of his Ministry. They have indeed been sneered at in the *Saturday Review*, but then the writers in that periodical could not be expected to know that Drs. Tait, Baring, and Waldegrave were men of acknowledged learning and high academical reputation. They have been condemned also by all those Romanizing Churchmen who wish to " eliminate Protestantism " from the Church of England, and therefore consider faithfulness to the doctrines of the Reformers a disqualification for office in the Reformed Church. We confess to have thought ourselves that a connection with the Whig aristocracy has had too much weight attached to it in the choice of bishops and deans. But, certainly, no man has been promoted who was not of high character and sound Christian faith, and we believe that on the whole, the Church has been strengthened by the selection which Lord Palmerston has made of men to occupy her influential posts. At length, however, a nomination has been ventured on which, with much to recommend, with somewhat, perhaps, in the Court favour enjoyed by its object to make it almost unavoidable, is yet open to grave objection, and has excited a very wide-spread feeling of alarm. This feeling has found expression at once courteous and faithful, at once moderate and decided, in a protest from one of the most learned and respected of the clergy of the Church, and one, moreover, whose position with reference to the appointment entitled, and indeed required him to speak. We refer, of course, to the nomination of Dr. Stanley to the deanery of Westminster, and to the remarks upon his appointment which have been published by the Canon in residence, the Rev. Dr. Wordsworth. Some answer to this protest could not be avoided, and accordingly the *Times* has rushed to the rescue with all the zeal with which, changing with the times, it does now favour Lord Palmerston, and defend his every act, often as it would seem from official inspiration. We sincerely trust that such has not been the source of the article in defence of this late appointment. For if it has been, then we shall be obliged to believe that the Premier has again gone to old Rome for his principles of administration, and has adopted the well-known formula which made all the religions of the old world to be regarded " by the philosopher as equally false, and by the magistrate as equally useful." In the article to which we refer the principle is broadly laid down, that " we may dismiss altogether from consideration the opinions to which objections are taken." And, again, that whilst

"the matter rests entirely on the responsibility of the Government," "Lord Palmerston and his colleagues are much too practical and far too busy to perplex themselves with the estimation of disputed points of theology." If this be not saying that in the estimation of such philosophers as Lord Palmerston and the writer in the *Times* "all religions are equally false," it is at least saying that it is of no consequence at all which of them is true. But this is not all. It is, moreover, laid down with the single very elastic limitation that the opinions be "reasonable," that any party which can obtain any considerable following have "a right to expect that their opinions will be recognized in appointments in the Church," that "it is incumbent on the dispensers of patronage not to refuse it to them," that "it cannot be doubted that the Government" "have been guided in their decision by such considerations," and that what Dr. Stanley's appointment proves is (not that the Government believe his peculiar opinions to be true, or consistent with the doctrines of the Church, but) that "they are convinced that his opinions are already those of a large and important party in the nation." That is to say, "all religions are equally useful" in the eyes of the statesman. He has only to be convinced that a number of people entertain certain opinions, and he is bound to countenance them. We will not do the Government the injustice of believing that these statements rightly represent their principles of action. If they were once to avow them, we do not hesitate to say that, in the present state of interest in ecclesiastical matters, a storm would be raised which would quickly drive them from the helm, and replace them by men in whom the nation could have confidence that they possessed some definite opinions and honest principles. Englishmen will submit to be governed by men whose opinions are considered erroneous by never so important a minority of their number, but they will never consent that the principles of Government, either in the State, or much less in the Church, shall be "right and wrong, truth and falsehood, are considerations to be disregarded."

We think it due to the truthful character of our countrymen that we should thus indignantly protest against the defence which has been set up for the appointment of Dr. Stanley, a defence which, indeed, it is said would not reach to a justification of appointing "Bishop Colenso Archbishop of Canterbury," but which certainly, in our view, would (if it were sound) justify the nomination of that prelate to an English diocese, or the appointment to high office in the English Church of any Neologist or Deist who could by any means establish himself in its priesthood. Nay, even Pantheism, not to say Atheism, has a large following in England. Why, then, has it not "a right" to be represented in England's hierarchy?

But as we demur to identify Lord Palmerston with the Erastianism which his too candid advocate has ascribed to him; so also we do not intend to fix on Dr. Stanley the opprobrium of being thus defended. We believe that he has great qualities and great powers of usefulness; and we are far more desirous of hoping for their healthy development in his new office, than to give way to the fears concerning the direction in which his influence may tend, for which we cannot conceal from ourselves there is too much ground.

The state of the case is really this. Dr. Stanley is a man who, we should suppose, has not a personal enemy in the world. No one can read his writings and doubt his personal piety, his love for Christ, or his high-toned morality. By his "Life of Dr. Arnold" and his "Sinai and Palestine" he has laid the Church and the country under great obligations. All acknowledge the grace and the charm of his style. Few, we imagine, fail to derive in some respects profit from reading his publications. But yet, on the other hand, there is often left on the mind of his readers an atmosphere of doubt, a suspicion that he himself entertains still deeper doubts than he has expressed. In particular, there are many passages in his writings, and a general tone running through them all, which inevitably engender in the mind a question whether he himself believes in the fundamental Christian doctrines of the Atonement, the inspiration of Holy Scripture, and others which might be mentioned. Add to this that he is the apologist of "Essays and Reviews," the intimate friend and ally of Professor Jowett, and the idol of the Neologist party in the country, and that he has lately advocated (if we rightly understood him) the abolition of all subscription to creeds, articles, and liturgies in the Church of England. And it cannot fail but that those who wish best concerning him are yet very fearful that his promotion will be a great encouragement to latitudinarian opinions, and that his influence will be for evil and not for good in the Church. Their regard and respect for him would lead them to keep silence concerning these fears if it were not that his posi-

tion at Court, soon to be even strengthened by his approaching marriage, is such as to make his influence, whether for good or evil, very great indeed, and to render it probable that unless public opinion forbids he may yet be advanced to higher positions still. Under these circumstances we welcome Dr. Wordsworth's protest, and the more so because of the practical test to which he puts the question, after reciting the strong declarations of belief in the Articles and Liturgy of the Church, and submission to the authority of Sacred Scripture, which Dr. Stanley will have to make before he can be admitted as Dean of Westminster. Dr. Wordsworth proceeds:—

"If Dr. Stanley is admitted to the place of Dean in this church, it will be upon these terms. He will make these subscriptions with his own hand. He will bind himself by that solemn oath to which I have referred. He will be subject to the laws and statutes of the ancient foundation. He will make these public declarations in the presence of Almighty God and of His people. There may be—I fear there are—some passages in his writings which, to many minds at least, seem to be at variance with some of these solemn engagements. Many extracts have been made from them and published by others to the world which appear to be scarcely reconcileable with the received doctrines of the Church of England in her Articles and her Book of Common Prayer. But Christian charity 'believeth all things and hopeth all things.' He is doubtless aware of the solemn engagements by which he is about to bind himself before his admission. He cannot be ignorant of the solemn profession of faith which he will be required to make. He will be received in the church of Westminster on the faith of those engagements and professions. He will not be received on the ground of his own writings, but he will be admitted on his publicly declared assent and consent to the formularies, and on his subscription to the Articles, of the Church of England; and that assent and consent may, we would fain believe, be charitably construed into a public retraction and recantation of whatever in his writings can be shown by fair and reasonable demonstration to be at variance with those formularies and Articles of the Church."

We cannot quite adopt the last sentence in this extract. But we remember that Dr. Stanley has himself lately argued that however past subscriptions may have been made in a "liberal" sense, they can no longer be repeated without real belief. We have a thorough confidence in his strict and unimpeachable moral honesty. We have no fear of his adopting the doctrine of Mr. E. P. Arnold in his letter to the *Times*, that because a certain latitude in minor matters has been admitted in subscription, therefore honest subscription may be consistent with dissent from important parts of the Articles and Prayer-book. We shall be prepared to receive his deliberate subscription (if he makes it), not as a "retraction or recantation" of anything which he has written, but as his own commentary on his own doctrine, as a declaration that, however he may have been misunderstood or however dubious some expressions in his writings may have seemed, he is a sincere believer in what he must know to be the fundamental doctrines of the Church of England. Let us be but persuaded of this, and we can allow for the widest range of that variety of opinion on many questions which is wisely permitted in the Church, and shall hail with the warmest sympathy the effects which we do not doubt Dr. Stanley will make to leaven with the salt of earnest religion those higher strata of society amongst which his lot is cast.

MR. COBDEN AND THE PRESS.

Mr. COBDEN is a great man and an honest man, but in his first letter to the *Times* he committed a grave folly, and in his second letter to Mr. Delane he has not repaired it. After the manner of Irish rowdies in New York, he attempts to revenge an affront offered to his friend, by entering the *Times* office and cudgelling the editor in his private room. We are not going, like the frogs of Aristophanes, to gather round and croak over Mr. Cobden when he finds himself in somewhat muddy water. We still think him a man who has done a great deal for the country, and who, with less faults of training and of temper, might be one of the leading statesmen, as he is one of the leading thinkers of the day. There are, however, limits within which the most eminent controversialist must be willing to confine himself, if he wishes to be heard at all. Private and personal abuse of the editor of a paper is no answer to the bad arguments of even the most inconclusive leading article. Mr. Cobden no sooner opens his mouth, than he puts himself out of court. The *Times* may be wrong in assuming that Mr. Bright's language, interpreted by the ordinary laws of grammar, means naturally that the lands of the rich are to be divided among the poor. This was not what Mr. Bright really meant, and it is to be hoped that, warned by what has taken place, he will be careful, when he next addresses a mob, to be less rhetorical and more distinct. But Mr. Cobden's demeanour on this occasion, whatever the merits of the question, is most improper. He simply defends

his client by insulting the counsel on the other side. "Here we have," he pleasantly remarks in his letter to Mr. Delane, "an exhibition of those qualities of mind which characterize the editorial management of the *Times*—of that arrogant self-complacency, that logical incoherence, and that moral bewilderment which a too-long career of impunity and irresponsibility could alone engender." These are strong words. In employing them to a private gentleman Mr. Cobden flings aside the conventional restraints of his generation. In the heat of the moment he is either going back to the days of Cobbett or travelling forward to the days of universal Yankeeedom. As long as an anonymous press is an English institution so long will such behaviour be reprobated by the good sense of educated English people. What would become of free discussion if, every time leading politicians were discussed more freely than they liked, they were privileged to lift the tapestry that conceals the machinery of the journal from public gaze, and to hiss "cut-throat," "ruffian," "villain," into an astonished writer's ear?

Mr. Cobden accounts for the delay that intervened between the original attack upon Mr. Bright's speech and his communication in reply, by stating that he never reads the *Times*. Beyond the sacred threshold of his house that offending journal never passes, and Mr. Bright's roof, as far as the *Times* is concerned, seems to be even more immaculate. The confession was not worth making. It certainly clears up a minor point in the discussion; but it as certainly invites a trenchant criticism upon Mr. Cobden and Mr. Bright in return. The fault that vitiates their whole political career is, that they will not take the trouble to understand the opinions and the ideas of the governing classes of this country. They dwell in an atmosphere of their own, as remote from that of more moderate Liberals as Egypt from the land of Goshen. That they should never read the *Times* is a part and parcel of this self-imposed isolation. They might as well say that they never listened to the debates in the House of Commons. Great statesmen in general are not so infatuated as to neglect the ordinary means of arriving at the drift and current of public opinion. Most of them make it part of their business to learn which way the breeze sets, even in the corners and bye-paths of society; far more from which quarter the wind blows that every morning ruffles the breakfast tables of the upper hundred thousand. Does Mr. Cobden think Sir Robert Peel would ever have boasted that he did not read the *Times*? If Cavour had been an Englishman, would he ever have been caught in so strange a profession of weakness? Does Mr. Cobden imagine the French Emperor does not know better than to confine his studies to those virtuous publications in which Mr. Cobden avowedly delights? Statesmen of the mark of a Peel, a Cavour, and a Napoleon, are not so rash or so hot tempered. No wonder Mr. Bright and Mr. Cobden are impracticable in Parliament and out of it. No wonder they stand aloof and take so little part in the administration of the country. They are proud of not knowing what a journal says which represents pretty accurately both the foibles and the virtues of English people at large. Like the Jewish prophets, they prefer retiring into the lonely grandeur of a wilderness of their own, where, in company with a knot of political anchorites, they gird their loins with the roughest camel's hair, and feed upon the sacred honey of the *Nonconformist*, and the wild locusts of the *Morning Star*.

Mr. Goldwin Smith, with natural warmth, has written to the *Daily News* to denounce the conduct of that member of an Oxford Common Room, who chose very needlessly to fling in Mr. Cobden's face a conversation which took place over a private dinner-table some seven years ago. Mr. Goldwin Smith is an accomplished gentleman and scholar, and we have no wish to shield the social culprit in question from his lash. But the Oxford eavesdropper is only doing on a mean scale what Mr. Cobden claims the right to do at his discretion in an ostentatious way. The eavesdropper, glad perhaps to see a considerable politician in the wrong, and anxious to fix him still more thoroughly, violates the decencies of society by retailing something anonymously, which, unless he lies, he was once lucky enough to hear Mr. Cobden say over his wine. Mr. Cobden, in order to take vengeance on the *Times*, proposes to follow the editor of the *Times* into private, and to force an explanation from him even in the drawing-room. Both Mr. Cobden and the eavesdropper are in the same boat, only at different ends of it, the eavesdropper, as far as social delicacy goes, being apparently a steerage passenger. What is Mr. Cobden doing himself but trampling down the barrier that separates public and private matters? It is a conventional rule—which public opinion approves and public advantage requires—that the editor of a paper has a right to be sheltered from intrusion. If anybody is aggrieved maliciously he has remedies enough. In these days of free

discussion it is pure nonsense to say that a journal is irresponsible. In the first place, it is always responsible to the law. In the second place, it is responsible to the public also for its conduct in matters that law does not touch—and it cannot afford, for the sake of its circulation, to be detected in a dishonourable trick, or an act of tyranny. More sensitive instruments than any which are to be found even in Mr. Cobden's quick temper, measure the exact rise and fall in the public estimation of a newspaper's character. The thermometer itself is not a more delicate register than the publisher's returns. Prove in public that a paper has lied, and you will inflict a severer punishment on it than if you sentenced the writer of the falsehood to penal servitude for years. This is the reason why, in general estimation, newspapers are held to be responsible enough; and the additional guarantee to be gained by compelling the managers of the press to sit with their private doors open to the mob, is poor in comparison with the drawbacks that would follow the adoption of such a theory. We should not be far wrong in saying that the very way to make the *Times* what Mr. Cobden asserts that it already is, would be to expose its conductors to the personal virulence of each victim of salutary and severe criticism.

THE WIGWELL GRANGE MURDER.

In spite of the maxims of a sentimental medical psychology, George Victor Townley, the man who stabbed a girl in the throat and laid her dead body at the feet of her aged grandfather, is held accountable for this cruel murder. As this deed was done almost under the eyes of witnesses, and as he not only avowed, but affected to justify it, there was no way of saving him from the punishment of such enormous guilt except by setting up the plea of insanity as a speculative defence. The only positive ground upon which a case for his acquittal could be founded, was the circumstance that several of his mother's kindred were, at some time or other, afflicted with mental disease. The presumption of an hereditary taint in his blood, predisposing him to some form of madness, would have gone far to support any opinion of his actual insanity that might have been formed upon the evidence of symptoms of that condition, either at the time of this murder or at any time in his life. But where no such symptoms appeared, it was impossible to rely upon the argument that a man was probably mad because, if he were mad, his madness would probably be derived from the same origin as that of a great aunt, or of the children of a great uncle, who were mad before him. Suppose, for instance, that it were proposed to pass a Regency Act, in case of the succession of the Prince of Wales, upon no other ground than that George III., at one period of his life, suffered under mental derangement. If the Prince had unhappily betrayed any positive symptoms of that disorder, the history of his great grandfather might be admitted to confirm the inference from those symptoms; but it could not, in their absence, be made substantive evidence of the condition of the Prince himself. Moreover, the statements of Miss Marsden and Mrs. Townley, with regard to former cases of insanity in their family, fail to supply the required links of connection between those cases and that of the accused. We are not informed whether he partook, in any other respect, of the temperament of those of his maternal relatives. The chances are equal that he may have inherited a sound constitution from his father's side. Nor do we learn what was the kind of insanity with which they were afflicted. Many different species of mania, of dementia, of idiocy, of emotional and delusional insanity, are described in every treatise upon the subject. It may well be, that the insanity of those persons was of a character wholly incompatible with what we know of the conduct and habits of the accused, or with what we do not know of his physical constitution. The witnesses upon this part of the case were his own mother and his aunt. It would have seemed harsh to scrutinize too closely the matters to which they deposed. It was a strange and terrible thing for a mother to have to stand in a public court, and there to say, in excusal of her own son from this dreadful crime, that the marriage of which he is the offspring was objected to, as she believed, upon the ground that she might give birth to a madman. But our judgment upon the facts before us must not be swayed by our sympathy; and we must take the evidence of the mother, the aunt, the sister and the friends, strictly at its judicial value.

It is plain that we cannot lay much stress upon the antecedent possibility of an inherited disposition to madness, until it be shown that his behaviour, and the signs of his condition, are or were those of an insane person. And we certainly cannot allow the *a priori* argument of insanity from the nature of the crime itself. For, though it is commonly assumed by coroners' juries

that every suicide must be insane, it has not been usual to find this verdict in every case where a disappointed "lover" has killed the woman who discarded him. The resentment of jealousy and offended pride may take, as we often see, the form of a murderous malignity against the very person who is the object of an amorous passion. This turn of the revengeful spirit may be compatible with a clear understanding, and with sufficient power of self-control to preserve a moral responsibility for the act of which it is the motive; though it is a proof of much depravity, of extreme selfishness, and corruption of heart. In spite of the tender cant of romantic poets and novelists in every age, what is called "love," or a man's desire to appropriate a woman for the pleasure and ornament of his life, is not necessarily a generous or benevolent affection; and it is very capable of being turned into malice when its gratification is denied. This is the most obvious theory of the motive of George Townley's crime. That crime is one which has been frequently committed, under very similar circumstances, by persons who were not therefore supposed to be insane.

This being the ordinary character of such an act, we have next to observe whether it was in Townley's case preceded or accompanied by any signs of an exceptional state of mind. It seems to us, that the account given by his mother, and by Mr. Arrowsmith, of his demeanour for some days before he went to kill Miss Goodwin, does not show anything of the sort. On Saturday, August 16th, he got a letter from that young lady, which caused him great distress. He kept all night weeping and walking up and down the room, alternately depressed and agitated in feeling; but though Mr. Arrowsmith did not think it safe to leave him in that state, we do not hear that his talk betrayed any mental aberration, or that he threatened either his own life or that of any other person. On the Sunday and Monday he remained, as we might expect, in a state of physical exhaustion, as he would scarcely take any food, and his mother noticed some nervous twitchings of his hands and feet. These are but the ordinary features of that condition which follows a prolonged outburst of passionate grief. The majority of women, and not a few sensitive and excitable men, undergo this amount of disturbance upon many painful occasions of their lives. They mourn, they rage, they refuse to be comforted; they wake, and weep, and fast, until their bodily energies lie prostrate, and slumber at length brings them relief. It is, however, a matter of proverbial observation that the persons in whom grief takes this violent form of expression are not the persons most likely to suffer a permanent derangement of mind from its effects. A copious shedding of tears for several hours together is rather a contrivance of nature to prevent a fit of passion from injuring the brain.

We are next told that, on Tuesday morning, he had so far recovered as to be able to go out and give a French lesson. On Thursday, when he was visiting Mr. Arrowsmith, at Bolton, his mother sent for him to return alone to Manchester; and on Friday she allowed him to go to Derby, where he was to have found a note from Miss Goodwin. It is, therefore, quite plain that they did not suspect him to be insane, or they would have kept a closer watch over him. The letters which he wrote to Miss Goodwin on the Sunday, Monday, and Wednesday are sensibly and soberly composed. Though he tells her that he is "ill and terribly cut up," with the prospect of seeing her for the last time, "and God knows what misery it gives me to say so," he adds coolly enough, "I have sufficient *savoir vivre* not to make a bother about what cannot be helped." He speaks of his own prospects, having "had a singular run of good and bad luck lately, and an offer to leave England." He does not wish to be the cause of any row between her and her grandpapa, but he will meet her to know what her wishes really are, and then he will not be the man to stand in her way. The sooner it is all settled, the better for both parties. Can we believe that this language of firm and manly resolution was the utterance of a madman, whose "brain had been turned" by the news that she rejected him two days before? Mr. Arrowsmith tells us, indeed, that he assisted the prisoner in writing the first letter, on Sunday, when Townley supplied the substance of the letter, and his friend helped to find the words; but the letters of Monday and Wednesday were written without such assistance. In his conversation with the Rev. Mr. Harris at Wirksworth on Friday, after drinking two glasses of brandy and water at the inn, he seems to have behaved with perfect propriety, and to have talked most rationally of his willingness to release Miss Goodwin from her engagement upon hearing from herself that she chose to give it up. Does it then appear, from any the slightest outward indication, that George Townley was insane up to the moment when he walked with Bessie Goodwin in the garden at Wigwell Grange? What passed between them we shall probably never know, for no truth-

ful confession is to be expected from him. We are inclined to think that he went to that interview with the not unreasonable hope of persuading her to disregard her friends' objection to his suit, if not to forego her own preference for "the clergyman," whom he had heard of as a rival. Failing in this attempt, which was not the attempt of a madman, to dispel what he called the "unnecessary nonsense and sentimentalism" of her scruples against him, we suppose that his mortified pride and ferocious anger arose within him, and suddenly prompted him to take away her life. It was not the man's brain, but his heart that was "turned" by the unrestrained force of savage passion, which made him draw the knife, and strike that poor girl thrice in her throat, until she lay panting and bleeding in the road. Then, and not, as we believe, till then, with the brutifying shock of an irrecoverable plunge into crime, there fell upon his mind that stolid insensibility to moral ideas which a physiologist, like Dr. Forbes Winslow, may ascribe to "general derangement;" but which is perhaps, in some cases, the visitation for a single act of extreme wickedness, as it is, in many other cases, ordained the stamp of a long persistent course of wilful wrong; when the heart is hardened, the affections are numbed, and the blasted soul, smitten with a retributive blindness, staggers darkly, farther and farther, out of the ways of truth and life. It is for the moralist and the religious teacher, rather than for Dr. Winslow and his professional colleagues, to designate the symptoms of this dreadful state. And those who have faith in Him who casts out devils may be sure that the recovery from this state is possible, not by sanitary treatment, but by the special grace of God.

The doctor of lunacy who had some talk with the prisoner on the 18th of November, three months after the murder, and again on the 10th of December, for the purpose of "analysing his mind," came to the conclusion that George Victor Townley was in a state of "mental alienation," because of his "inability to realize in a sane manner that he had committed a crime at all." Criminals who mean to plead their insanity may henceforth be advised to profess that they believe themselves, on general principles, to be justified in doing whatever act they shall be undeniably proved to have done. Let them sit down with Dr. Forbes Winslow, for an hour and a half, as Townley did, "perfectly calm, unruffled, and self-possessed, showing little or no emotional excitement;" let them reply to the bland inquiries of the "psychological physician" with a sufficient array of ethical and theological heresies; and let them stoutly declare that they are not in the least sorry for their crimes. The charity of modern science will then pronounce them incapable of distinguishing moral truth,—incapable, therefore, of suffering the due sentence of the law. Those who, like George Townley, possess a smattering of literary information, may, from the vain and paradoxical speculations of Atheistic and Necessarian writers, draw a set of dogmatic propositions very similar to what are recited by Dr. Forbes Winslow as evidence of practical insanity. We venture to submit, that not even the utmost degree of eccentricity of opinion which Mr. Caxton's "History of Human Error" might record, is to be taken as exempting its professors from the usual obligations of social life—including the obligation to be hanged for a cruel and barbarous murder. Suppose the late Samuel Hunt, who poisoned his wife and children, after tormenting her with fiendish malignity till she tasted in her daily cup more than the bitterness of death, had only been spared for an examination by Dr. Forbes Winslow, upon his views of moral and religious philosophy. He might probably have told that gentleman, as Townley did, that he had no idea of a God; that he pooh-poohed the notion of heaven and hell; that, as a fatalist, and denying free-will, he believed men not to be accountable for their actions any more than for their coming into the world; that he knew, therefore, no such thing as sin, and would own no remorse or contrition; finally, that his wife was his property, and that he had a perfect right to kill her, or to deal with her as he pleased, like any other chattel. This, we may safely assert, is the unavowed creed of thousands of wicked men; and, excepting the last clause, it is the special doctrine of some who are not, perhaps, so very wicked, but foolish enough to glory in what Dr. Forbes Winslow calls "the gross fallacy and monstrous absurdity of their opinions." These are not like the delusions, concerning objects of sense and of simple obvious understanding, which the best writers upon insanity describe among its usual symptoms. Nor does the singular obtuseness of feeling, which Townley when visited in prison either affected or unfeignedly betrayed, prove that he was devoid of the sense of right and wrong. His language, up to the very moment of his committing this murder, had shown that he could fairly appreciate the social duties of his position. We are therefore satisfied, upon the whole, that Baron Martin and the Derbyshire jury have

recorded the verdict of common sense, against the dictates of a vaunted science of morbid psychology, which, if it be wisdom indeed, should "be humble that it knows no more."

THE LEGAL POSITION OF BISHOP COLENSO.

THE next South African mail will probably bring us a report of the first judicial proceedings against Dr. Colenso. A citation was served on the Bishop of Natal to appear before "the most Reverend Robert, Lord Bishop of Cape Town, as Metropolitan, on the 17th of November, 1863," to answer charges of false doctrine and teaching preferred against him by the Dean of Cape Town and the Archdeacons of Grahamstown and George, and he was warned that, should he not appear, the Bishop of Cape Town, "as Metropolitan, with the advice and assistance of such of the suffragan bishops of the province as can be conveniently called together," would hear the case, "and proceed to final adjudication thereon." Dr. Colenso has, we believe, appeared in obedience to this summons, at the same time protesting against the legality of the proceedings instituted. He has also given Dr. Gray notice of appeal in case jurisdiction is assumed, and an adverse judgment delivered. The matter therefore is now pending before Dr. Gray, if he has not already given his decision upon it. We propose here to point out the important questions of law that are involved in this case, with reference to the jurisdiction of the Colonial Bishop; and secondly, with reference to that of the Court of Appeal. It is quite unnecessary for us to disclaim any approval beforehand of the arguments for Dr. Colenso, if there be any, upon the merits of the case.

In order to understand the position which Dr. Gray has assumed, we must notice the very significant language of the citation itself. It will be observed that the bishop intends to act "as Metropolitan," with the advice and assistance of his suffragans, and that he will proceed to what he supposes will be "a final adjudication." Nothing is said about the letters patent which constitute him Metropolitan. There is indeed more than one reason for not alluding to them. As we showed a few weeks since (*London Review*, October 17th), their validity, so far as they confer any coercive authority, is very questionable. They were issued after the colony had obtained an independent legislature, and they are, moreover, subsequent in date to those of Dr. Colenso. It was well, therefore, to suppress all mention of such doubtful credentials upon the face of the citation. But Dr. Gray has probably another and more powerful motive for proceeding as "Metropolitan." Under the letters patent there is a final appeal provided to the Archbishop of Canterbury, but naturally the Bishop of Cape Town does not love appeals. The burnt child fears the fire. He has accordingly taken a course which he thinks will bar the defendant's right of appeal altogether. An observation made by the Bishop of Oxford in Convocation last May furnishes a key to the manner in which the citation is framed. "There might possibly," he said, "be an appeal from the Bishop of Cape Town, acting in his ordinary capacity, to his Grace at home; but if he acts not under his letters patent but as Metropolitan with his suffragans, then no appeal will lie, because the subject matter does not admit of it. Whatever, therefore, may be the Bishop of Cape Town's subjection to the Archbishop of Canterbury as patriarch, the case in this instance would be finished before the Metropolitan himself and his suffragans." It is very difficult to understand how Dr. Gray can act as Metropolitan, and yet not under his letters patent. For were it not for their provisions, the Bishop of Natal would, in accordance with the ancient custom of the African Church, himself be Metropolitan, as being the senior bishop of the province. He could, however, hardly claim such a position. His own letters ordain that he is to be "subject and subordinate to the see of Cape Town and to the bishop thereof and his successors, in the same manner as any bishop of any see within the province of Canterbury is under the authority of the archiepiscopal see of that province, and of the archbishop of the same." He has also taken the usual oath of obedience to Dr. Gray, and may thus be held to have acknowledged him as Metropolitan. The question, therefore, really is what is the nature of the power possessed by an archbishop or Metropolitan over one of his suffragans. Has he any jurisdiction at all in a criminal proceeding? And if he has, is there any appeal from his decision? The answers to these inquiries are important to all who are interested in the National Church. It is very necessary that according to the old maxim of our law there should be "no wrong without a remedy," but it is equally necessary that the remedy should be sought before an appropriate tribunal.

Is there, then, any power in a Metropolitan, with the advice of

one or more of his suffragans, to pronounce a sentence of deprivation against a bishop whom he adjudges guilty of heresy? Certainly he cannot *depose* him: he cannot divest him of his episcopal character. The consecration of a bishop is admitted to be indelible. Whether or not he may be deprived of the emoluments of his diocese, and of the power of performing his episcopal duties within it, is the more difficult problem we are about to try to solve. Owing to the scarcity of precedents, it must be determined by reference to principle alone. In spite of one authority, which at first sight is adverse, we believe it will be found that a Metropolitan can no more deprive a suffragan than he can depose him. The power to do either was, previous to the Reformation, in the Pope, and is now in the Crown alone. In the early Church the jurisdiction to deprive seems to have been committed to a synod of bishops of the province of which the accused was a suffragan. "Archbishops," says Hooker, "were chief among bishops, yet archbishops had not over bishops that full authority which each bishop had over his peculiar clergy. Bishops were not subject to their archbishop as an ordinary, by whom at all times they were to be judged, according to the manner of inferior pastors, within the compass of each diocese. A bishop might suspend, excommunicate, or depose such as were of his own clergy without any other bishop's assistance; not so an archbishop, the bishops that were of his own province, above whom divers prerogatives were given to him, howbeit no such authority and power as alone to be judge over them. For as a bishop could not be ordained, so neither might he be judged by any one only bishop, albeit that bishop were his Metropolitan." Yet in the case of Dr. Watson, Bishop of St. David's under William III., it was held by the Court of Queen's Bench that a Metropolitan alone might deprive. There are many circumstances, however, which throw suspicion on this authority. The defendant was an exceedingly obnoxious person, and thus it was scarcely possible that his case should receive impartial consideration. "He was," we are told by Burnet, "one of the worst men in all respects that ever I knew in holy orders; passionate, covetous, and false in the blackest instances." Last, but not least, in the estimation of that age, he was a furious Jacobite. Chief Justice Holt appears to have had a preconceived opinion on the subject. The court over which he presided having refused to interfere with the archbishop by prohibition, a writ of error was brought in the House of Lords. They decided against it for a variety of reasons we need not enumerate; but Holt privately told Lord Raymond, the reporter of the case, that had their judgment been the other way, he never would have granted the prohibition. He would have sooner set the Court of Appeal at defiance. Such a temper is wholly incompatible with judicial fairness, and may account for his singularly unsatisfactory judgment. He makes no attempt to answer the formidable arguments of the bishop's counsel. It was admitted, he said, that the archbishop had a power of visitation, and this drew with it the power of deprivation. As well might it be argued that a grand jury may punish the offences into which it is their office to inquire. Dr. Watson, who seems to have been a most pertinacious prelate, contested the legality of the proceedings in every possible way. It would be tedious to follow all the steps that were taken. For the present we will only refer to the argument of Sir Thomas Powys on behalf of the bishop before the House of Lords. After showing that "deprivation is against all the instances of former times," he relied on the effect of the Act of Supremacy, by which all ecclesiastical powers were vested in the Crown. To use a familiar phrase Queen Elizabeth was placed in the Pope's shoes. Henceforth, all coercive authority over ecclesiastical as well as civil persons was to be in her hands. She did not, in fact, exercise it herself, for in the very first year of her reign she delegated it to the famous Court of High Commission, in which the primate accepted the first place. He would scarcely have consented to do so had he believed that he, acting alone, had sovereign authority over his suffragans. On the abrogation of the High Commission, the old practice, it was alleged, revived, according to which the power of deprivation seems to have been placed in the hands of a synod of bishops. The archbishop, from the Reformation down to the case of Dr. Watson, had never exercised this power singly, nor indeed could he possess it unless it had been given him by Act of Parliament. He does exercise, it is true, even in our own day, some few purely Papal powers, but only by virtue of special statutes. Thus he may grant dispensations where the Pope used formerly to grant them, whence arises his right to grant special licences to marry, and also to confer academical degrees. Burnet makes the extraordinary statement that the counsel against the bishop proved the concurrence both of "popes and kings to bring this power of deprivation singly into the hands of metropolitans," and

that it was the "constant practice" in England before the Reformation. But, instead of proof of this "constant practice," we find on reference to their arguments only one case cited, accompanied by the observation that "a number of precedents cannot be expected in such a case; it is the glory of the English Church *not to afford them*; and it will be time enough to produce more instances when his lordship's counsel have named the bishop whose behaviour requires such an exercise of the archbishop's authority." Then follows an admission that since the Reformation bishops had been removed, not by the Metropolitan, but by the king's commission, as in the cases of Bonner and Gardiner, and by Act of Parliament. An attempt was made to distinguish these cases as being deprivations for offences against the civil government, but we venture to think the distinction cannot be maintained. Bonner, for example, was punished "for opposing the Reformation," by the ecclesiastical censure of deprivation, inflicted by royal commissioners. If the primate could have inflicted it, why should he not have entertained the case, sitting alone, either with or without the advice of his suffragans? We must not omit to mention a singular confirmation of the doubts we have expressed as to the authority of the Bishop of St. David's case. In 1822 it became necessary to deprive the Bishop of Clogher for the commission of an unnatural crime, and on that occasion the tribunal was constituted, in the manner recommended by Dr. Watson's counsel, of the archbishop and the other bishops of the province, not of the archbishop singly. We believe that this Court would also have turned out to be illegal, as being in derogation of the royal supremacy, but the point was never contested, the unhappy accused having forfeited his bail and taken refuge in flight.

There is still another circumstance deserving of notice in connection with this part of Dr. Colenso's case. Admitting for a moment that a Metropolitan formerly had power to deprive one of his suffragans, has the recent Church Discipline Act made no change in his position? That Act forbids all criminal proceedings against clerks in holy orders for any offences against ecclesiastical laws except those taken in accordance with its provisions. Dr. Gray has not proceeded in the manner directed, although Dr. Colenso is a clerk in holy orders, and although a citation is a criminal proceeding. There is, it should be mentioned, a clause saving to the archbishops and bishops of England and Wales all authority they might previously exercise, "personally and without process of Court." But there are two reasons which would seem to debar Dr. Gray from the benefit of this provision. First, he is not a bishop of any English or Welsh see; and secondly, he has instituted proceedings that commence with a citation, and may end in deprivation. This is in no sense a proceeding "without process of court;" it is a criminal process, and must therefore be governed by the other sections of the Act. It is worth remarking that the word "Bishop" in the Act is to be taken to include "Archbishop." This seems to show that, in the opinion of the framers of it, the Metropolitan bears much the same relation to his suffragans as a chief justice bears to the puisne judges of his Court.

If the jurisdiction of the Bishop of Cape Town be really as doubtful as we believe it to be, it may seem surprising that the Bishop of Natal has not applied for a prohibition. But, without mentioning other grounds, we may say that it is matter of the greatest doubt whether a prohibition can be sent by our courts at home to a colony which has a supreme court of its own. We shall hope to discuss this important constitutional question next week. Meanwhile, Dr. Colenso has suffered no damage by appearing under protest. For, as we trust we shall be able also to prove, he will have a right of appeal both on the question of jurisdiction and on the merits of the case. With deference to the opinion of so astute a prelate as Dr. Wilberforce, we do not believe that Bishop Gray can proceed to a *final adjudication*. We are not astonished at the attempt he is making to bar all appeal. It is not the first time that he has sought to assume an air of almost Papal authority. Most detrimental would it be to the interests of the Church should his pretensions turn out to be well founded. Questions of vast and almost vital importance to her ought not to be disposed of by a solitary ecclesiastic, who, though he be animated by the purest and holiest motives, is too liable to be swayed by theological prejudice and passion to be entirely impartial. We are sure that all classes of Englishmen, whatever be their theological opinions, whether they regard Dr. Colenso as a heretic or a reformer, will be glad to find that the charges made against him can be brought before the highest tribunal. If it were not so, then, in the language of the sturdy patriot, Peter Wentworth, we should "make our bishops Popes." And "make them Popes who list," we say with him, "we will make them none."

LORD LEITRIM AGAIN.

LORD LEITRIM seems to be a most unfortunate sort of person; and to fare as badly at the hands of the Irish commons as at the hands of the Irish aristocracy. The other day he insulted the Lord Lieutenant, and was in consequence removed from the list of county magistrates. This week he has again been in hot water. After a long trial he has been mulcted in damages by an Irish jury to the tune of £100. Though the two incidents were not inseparably interwoven, they had something to do with one another. The offence for which Lord Leitrim determined to deprive her Majesty's representative of bed, board, and candle consisted, it is said, in his having discredited a charge made by Lord Leitrim against a constabulary inspector. In respect of this very charge the inspector now brought an action of libel in his turn; and though Chief Justice Monahan held that the communication was privileged in its nature, the jury, nevertheless, returned a verdict against Lord Leitrim on the ground of express malice on his lordship's part. The Castle may henceforward sleep at ease. The would-be disturber of viceregal comfort will disturb no more. Vengeance is taken upon him; and he is not likely again to interfere with the baiting of the Lord Lieutenant's horses, or the cooking of the Lord Lieutenant's dinner.

In May last Lord Leitrim—who is, as we have said, an unfortunate person—was unlucky enough to receive a threatening letter. Amongst his other misfortunes, Lord Leitrim at the time was at feud with an inspector of constabulary in his neighbourhood. In an evil hour his lordship put two and two together, and jumped at the conclusion that the inspector was the author of the malignant and anonymous epistle. In half an hour after he received it he forwarded it for inspection to Lord Carlisle, informing him that he had "not the slightest doubt in his mind" but that it was in the handwriting of Sub-inspector Studdert, of the police. The paper his lordship thought, indeed, very similar to some paper recently used by the inspector, and then lying on the table before his lordship. The letter itself was of the usual infamous description. Among other very Irish-looking insults, characteristically enough it denounced his lordship as "a lame old beggar;" and, as it improves nobody's temper to be called a lame old beggar, and as Lord Leitrim's temper does not seem to bear trifling with or tampering with, that excellent nobleman must have felt very angry indeed on receiving it:—

"Lord Leitrim,—Leave the County for we will not let you live to be doing harm to the poor. By the blessed Mary we will shoot you if you don't change your ways and act like a man, be off for revenge we will have but I have thought it right to give you a notice that you might get time to repent you lame old beggar be off at once or you will get the contents of the gun that shot both Nixon, Murray, and Grierson. By God you shall we will not let you go on ruining the poor. Go off to England and learn to be good, you have a new agent we hear, so now is your time to change. Let the McAteers into their land at Doughbeg and take my advice, for if not you will be shot and sent to hell the first time you are down here in Fanney Let the Coolback men have sea weed and behave yourself Obey these orders if you dont want get

"Good SHOT."

Who the McAteers are, and why they are kept out of their land at Doughbeg, is a question between that estimable and oppressed family and his lordship; nor do we propose to discuss the respective rights of Lord Leitrim and "the Coolback" men to seaweed. These things are an allegory; they point to something beyond. They are part of a crop of controversies of which we get a glimpse in the background, and which are doubtless part of Lord Leitrim's misfortunes. It is his lordship's unhappy destiny to be at war both with the Government and his neighbours, and his tenantry and the police. The course taken by him in this instance was most unwise. A prudent man knows that nothing is so thoroughly deceptive as the comparison of handwriting. No twelve jurymen would ever convict an accused person on such evidence alone, where the handwriting was the handwriting of an ignorant and illiterate person; and it is difficult to conceive of a magistrate writing about an anonymous letter after half an hour's thought, that he had "not the slightest doubt" that it was written by one particular policeman. The Irish jury could not believe that there was no malice in the case. Lord Leitrim may have allowed him self to believe the inspector guilty, but half an hour was a very little time to make up his mind about it, and to transmit a formal accusation to the Lord Lieutenant.

There is nothing in the law more admirable than the certainty with which malice on the part of an accuser recoils upon his own head. The master who, in a moment of temper, brings an unfounded suspicion to bear against his servant; the enemy who throws venom into the calumny that he circulates against a private person; the hasty and intemperate prosecutor; the careless and random traducer—all find that malice cannot in such cases be hidden long.

A trivial word, or unguarded act, is evidence of it; and the malicious abuse of power is almost invariably detected if it once is made the subject of inquiry. The morality of the law laid down by the Irish Chief Justice is unquestionable. It is not enough to have in such cases a *bona fide* belief. A man must indeed be a fiend who wilfully would bring another into trouble or danger when he knew that the individual he accused was not guilty. The real question is not whether the belief exists, but whether it is reasonable and candid. Was it a hastily-formed and rashly-formed opinion? When formed, was it maliciously acted upon? Such was the issue left by Chief Justice Monahan to the jury, and, legal questions apart, the morality of the rule is clear. The jury thought, under the circumstances, that there was evidence of malice; and we see no reason, as far as the slight summary of facts before us, to quarrel with their view. Lord Leitrim does not come before the public in the best possible way. It is too probable that he is blessed with an acrimonious and hasty temper; and a bad temper, in the long run, secures its own punishment. The best advice we can offer to his lordship is to make friends with his neighbours and his peasantry. If he will not do this, at all events, if he is wise, he will patch up a speedy peace with the police.

UNIVERSITY EXAMINATION FOR GIRLS.

At two o'clock last Monday afternoon rather more than six hundred boys, collected together at fifteen different English towns, entered simultaneously upon an examination. Now that Greenwich time is kept throughout the kingdom, we may say with certainty that fifteen examiners were distributing at the same moment copies of the same paper; and, with scarcely an interval between the first and the last, the six hundred and odd boys set to work to answer the questions propounded to them. Monday afternoon was in fact the commencement of the annual Cambridge Examination of School-boys—the Middle Class Examination—which will not end before five o'clock this afternoon (Saturday). It is clear that these Middle Class Examinations, set on foot by the two Universities, have taken root; the number of candidates continuously increases; last year, for instance, 564 boys presented themselves at the Cambridge Examination, and the year before 489; nor can it be doubted that a movement patronised by archbishops, bishops, and the noble lords, who are in fact bishop-makers, will be supported more and more in every successive year.

But Monday afternoon witnessed something more than the commencement of the annual Cambridge examination of boys; it saw the first trial of a perfectly new experiment, an examination of school-girls. The promoters of the experiment, a few persons in London (principally ladies), having obtained the permission of the Cambridge authorities to carry it out, modestly confined it in the first instance to the metropolis. In spite, however, of this restriction on the place of the examination, and although the announcement of the fact of the examination was made with the utmost quietness, and we may almost say privacy, the promoters were astonished and perhaps a little alarmed when something like ninety girls responded to the invitation, and announced their determination to present themselves at the trial. The promoters may be pardoned if for a moment their success made them repent of their effort; the responsibility of managing an examination of ninety girls in the middle of London might well weigh so heavily upon them, as to cause some faint hearts to wish that they had never entered upon the undertaking. But this last difficulty, like the many others which preceded it, has been overcome, and we are scarcely premature in announcing the complete success of the effort to extend the local examinations of the University of Cambridge to girls.

Little more than twelve months since, the idea of using the University local examinations as a means of testing the knowledge of school-girls was started. We believe it first found publicity in the pages of the *Englishwoman's Journal*, and that its origin and ultimate success are due to the thoughtfulness and energy respectively of some good ladies connected with that magazine. Many obstacles had to be overcome before the idea could be realized. The examination of boys was conducted by the University, through the co-operation of a local committee. The University sent to every place of examination an examiner furnished with the necessary supply of examination-papers. The local committee, which, as a matter of course, must be understood to mean the local secretary, received the names of the boys, provided and suitably furnished a room, and arranged the candidates in their places, so

that the examiner might enter and forthwith begin his work. The ladies of Langham-place felt that they must secure not only the permission of the University, but the good offices of the local committee. This was not so easy as may be supposed. Although every member of the committee showed by his position on it that he regarded the examination of boys with favour, it by no means followed that he was equally favourable to the examination of girls. It was said, not without some reason, that there was no necessity for such a measure,—that girls would not be found to be desirous of submitting to examination,—that an examination could not test the results which are of the greatest importance in female education, and from that point of view it would be useless; whilst it would, from its very nature, produce a spirit of strife and competition, which might be necessary in boys, who had to work their way through the world, but was wholly undesirable in girls; and from that point of view it would be injurious. Favourable counsels, however, prevailed. It was felt that the decision of the abstract question—whether an examination was a good thing for girls—did not fall within the province of the local committee for conducting the examination of boys; what was asked of them was little more than permission to allow the experiment to be tried under an adjoining, or at least neighbouring roof, and this permission was after a little deliberation granted. An appeal to the University authorities to send with the examiner a sufficient number of extra copies of the examination papers, met with a favourable answer; and the ladies who started the idea having thus secured the conditions necessary for carrying it out, proceeded to invite candidates to send in their names.

We have already said that the number of the candidates very much exceeds the anticipations of the promoters of the examinations. In fact, ninety-two sent in their names, of whom forty-nine are juniors under sixteen years of age, and forty-three are seniors under eighteen—for the University is as rude as a census collector in inquiring about the age of young ladies. Most of the candidates come from the metropolis and its vicinity, but a county so far west as Somerset has sent some, and there are others from the Midland Counties. A large and convenient room was secured in the neighbourhood of Pall-mall, and there the examination is now progressing.

It is, of course, premature to speculate on the results of the examination as a test of the acquirements of girls. A preliminary objection may be raised that the examination papers made for boys are not well adapted for girls, but the objection does not seem well founded. Girls as well as boys ought to be able to satisfy an examiner in such elementary matters as writing from dictation, English grammar, English history, arithmetic, and geography. In Biblical knowledge, French, German, and botany, the two sexes may be expected to show nearly equal proficiency. In Latin, Greek, and mathematics, girls will, no doubt, be inferior—in fact, no candidate has ventured to put herself forward in the two latter subjects; and although music is their chief study, yet it is probable that very few know anything of its science. In drawing, on the other hand, they may possibly have the advantage. On the whole, the examination, if not the best possible, is fairly adapted to what ought to be the course of female education, and there can be no doubt but that it will bring out its present errors and deficiencies.

Meanwhile, however, we may remark that the numbers which have attended this examination are a conclusive answer to the question whether there was a demand for it. The parents of ninety girls would not send their daughters to be examined were there not some substantial reason for doing so. It is, in truth, useless to shut our eyes to the fact, that in a country like our own there exists a large class of girls who will have to obtain their own living, and a still larger class of those who ought to be trained to earn their own living. A little reflection will show how valuable to such girls a trustworthy recognition of their attainments would be in after life. Consider, for example, the army of governesses. Every lady knows from experience that if she seeks to obtain a governess for her little ones, she can ascertain with tolerable accuracy, what is no doubt the first requisite, the moral character of the candidates for the post; but in estimating their intellectual ability and the soundness of their knowledge she is quite at sea. We do not disparage English matrons, when we say that there is not one in a hundred of them who is competent to examine the intellectual qualifications of a governess, and consequently not one in a hundred who is competent to certify to such qualifications. A candidate who produces a certificate of having passed a University examination with honour, possibly with especial distinction in certain subjects, must have an immense advantage. But there are other modes of occupation already, in some measure, used by women, but which

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would be used to a much greater extent if women could produce such testimonials to ability as University certificates would furnish. Even now, whoever goes to the reading-room of the British Museum, or to the Record Office, or to the State Paper Office, may see women translating, collating, deciphering, and transcribing books and manuscripts ; and it is scarcely necessary to point to well-known examples to show how admirably they are suited for such work. How many must there be to whom tuition is irksome, who would gladly turn to such occupations could they prove their fitness for them ; how many who could and would make themselves fit were a good standard of education and means of testing their proficiency provided !

It would, however, be a mistake to suppose that the local examinations would only influence the girls who may have to work as women. It is, of course, evident that the greater number of such girls will be governesses and schoolmistresses, and, in educating them, we advance a step towards the education of the next generation. Nor is it necessary to wait so long to perceive the beneficial effects of the system. There can be no doubt that these examinations will bring out the great defects of girls' schools as seminaries of learing, viz., the absence of good class-books and the want of method in teaching. The promoters of the examinations are perhaps not too sanguine in believing that the revelation of these defects is a step towards their amendment ; and if this be so, they will certainly not have laboured in vain.

The promoters of this examination, however, do well in adopting modest aims and limited hopes. They do not pretend that they are about to revolutionize female education, or to introduce an infallible test of female fitness. Examinations are potent within a narrow sphere only. It is possible that some of the advocates of competitive examinations for the Government services have over-estimated the results which can be obtained by the machinery they seek to advance ; it is certain that the opponents of that system have found their strongest arguments in the exposure of the futility of the expectations which they have correctly or not attributed to its advocates. Examinations cannot discover genius or measure character ; but they can expose incompetence, and act as a guide to those now stumbling in the dark.

LORD CLARENCE PAGET ON THE NAVAL RESERVE.

WITH 75,000 seamen and marines in our pay, with 10,000 coast defence men, and 10,000 of the naval reserve, we are at present maintaining a sea force of strength equal to that which we mustered in the year before Trafalgar was fought. This is pretty well for piping times of peace ; but we may at present consider it as merely the Christmas reminder of the premiums due for national insurance against fire and accidents. A more striking contrast may, however, be drawn between now and then if we consider the different manner in which the force is brought together. In the days of Nelson, impressment was the mainstay of the navy ; and for the sake of supporting the fleets on which England's honour and existence depended, we were willing to sacrifice the commercial marine, and to endure a conscription unparalleled in cruelty and violence. If even so late as the last days of Charley Napier, it became necessary on sudden emergencies to man our fleets, we could only do it by the bounty system, which succeeded in scraping together only the very scum of the seaports. But within the last half-dozen years all this has been changed. Our ships in commission have all their full complement of able seamen, in barracks and blockships there is a reserve of men in regular pay always ready, training ships are every year furnishing a larger proportion of boys expressly brought up to the service, and all this is done without either impressment or bounties. But there is more than this. The old impassable barrier between the merchant service and the Queen's service, set up and maintained by oppression and fear, has been broken down, and as we have a great army of volunteers on shore, whose glory is that they are counted worthy auxiliaries of the regular troops, so we have now a compact body of the finest seamen and officers of the mercantile navy, who proudly enrol themselves as ready to come forward whenever need may call for them to stand by the side and to fill up the strength of that once dreaded and hated Royal Navy.

All this is very wonderful to think upon, not least wonderful when we think upon the simple means by which it has been accomplished. The greatest wonder of all indeed is to reflect how such simple means should have been so long overlooked, and how we have been content to let a service which to a seafaring and patriotic people should have been the most popular in the world, remain the bugbear and horror that it was. For all this has been done by merely removing the gross hardships and injustice that formerly

were the lot of all who sailed in a Queen's ship, and by giving them the fair pay, the fair dealing, and the fair consideration which private shipowners were accustomed to offer. The results indeed of this change of system are still in their very infancy. The Naval Reserve, which already musters so strong, is yet only some two years old, and scarcely yet can boast a definite organization. Lord Clarence Paget, speaking on Monday on the occasion of the distribution of prizes to the cadets of the Thames marine officers' training ship *Worcester*, referred with justifiable satisfaction to his own share in the institution of the Reserve, and, addressing the officers holding commissions in it who were then present, and urging it as a worthy object of ambition to the young sailors before him, he shadowed out some of the features which hereafter he hoped it should display. The desire of Government was, he said, that by its establishment, and by the instruction in gunnery given to the seamen and officers who entered it, we should ultimately behold the spectacle of our merchant fleets covering the ocean, not as in old times cowering under protection of a convoy, but convoying themselves, being manned by crews who could fight their ships, if need were, as well as navigate them, and defy the swoop of an enemy's cruisers. He hoped to be able to give them a flag, by which in whatsoever port they might enter, they should be known as belonging to the Naval Reserve, and as such the guardians of the honour as well as carriers of the wealth of this country. He held out to them the prospect of promotion, of a relief from all but necessary drills, and added the assurance not likely to be lost on a sailor's heart, that the Queen looked on the institution with the deepest interest and gratification. Under such auspices and encouragement there can be no doubt it will grow, and as already an incalculable addition to our strength, and offering for the future to secure to us that the effective of our Royal Navy shall be measured by the total of the venturesome spirits whom our Norse and Saxon blood still urges to the sea, so that every British ship that sails the ocean shall in the best and fullest sense be a Queen's ship, we may all watch its development with thankfulness and pride.

BRIGANDAGE IN NEW SOUTH WALES.

WHILE Australia was yet a pastoral region, sparsely inhabited and afflicted with a convict population, it was not to be wondered at if the liberated felon, idle, daring, and unscrupulous, should support himself by levying black mail on the peaceful settler. But when transportation was stopped and when the gold discoveries attracted an immense influx of population, when towns rose as by magic, and colonies became independent states with parliaments and ministries, bushranging decayed and finally became extinct. But the virus of lawlessness was not exterminated, and it now appears that it has found a weak point in the social system, and has succeeded in establishing itself in a form far worse than the old one. Individual robbers have given place to gangs whose exploits rival the depredations of those free lances of a past age, who, when their swords were released from the conflicts of war, turned them into a means of lawless support during peace. It is startling to read of such doings amongst a population of Englishmen armed with every authority for the preservation of order. But the mode in which it is done, the openness, and the perfect impunity, are more astonishing still. Of course there is a reason for it. Brigands do not go about in broad daylight, pillage a township, and invite the inhabitants to a *réveille* at which they rehearse their achievements, and make the police act as masters of ceremonies, where there is a good government—unless indeed the government is so good and indulgent that it is worse than a tyranny. Yet these things are done in Australia, and so little do the depredators stand in awe of the authorities that, it is even said, they give them notice beforehand of the places they are about to pillage.

New South Wales is the brigand's paradise, in which all this is going on, and has been going on for some time. A few years ago it became celebrated for the frightful outrages on the Chinese at Lambing Flat, and the indulgence with which those outrages were passed over is said, with every probability, to have been the origin of the excesses from which the colony is now suffering. To the feebleness of the Government then and since is to be traced almost a disorganization of society. "Any time for months past," writes the Melbourne correspondent of the *Times*, "it has been almost a daily occurrence for some of the western coaches on the Sydney ride to be 'stuck up,' and at length the operation became almost a matter of course. Gardener and his gang grew into local celebrities. The police sent after them were almost always evaded, and sometimes captured." Energetic action would have

put this down; but that was just the quality in which the Government was conspicuously wanting. Encouraged by impunity, and aided by persons in remote districts, who, left to themselves by the police, had to seek protection in connivance with the robbers, the bushrangers threw off all disguise, and began to practise robbery "as a polite and liberal profession." How openly they did so our readers shall now see. On the 10th of October last, five of these polite professors, according to "promise," entered the township of Canowindra, in the district of Bathurst, in the afternoon. Having stabled their horses they went about the town, emptying the tills of the shopkeepers and the purses of the inhabitants; after which they adjourned to the principal inn, and took tea with the landlord's sister and the two Miss Flanagans. Tea over, Gilbert, one of the thieves, invited Miss Flanagan to perform for him on the piano; and, this done, "he issued invitations to the neighbours for a ball to be given at his own expense at his hotel."

"The citizens, their wives, and daughters, assembled, of course. Dancing commenced at nine o'clock, and continued until an early hour next morning. The utmost decorum prevailed, 'and,' says the correspondent aforesaid [the correspondent of the *Bathurst Times*], 'not a low or improper word' was heard which could call a blush to the fair cheeks of the Flanagans. The cream of the jest lay in the fact that a certain Constable Sykes officiated as master of the ceremonies, and robbers Burke and O'Meally, incredulous or defiant of gallows, stood at the door on behalf of the host Gilbert, to receive the guests. 'Roars of laughter' rewarded the robbers' accounts of their achievements. The festivities over and the guests returned home, the bushrangers slept *al fresco* in the paddock opposite, and in the morning departed."

This narrative is the substance of the account given of the ball by the correspondent of the *Bathurst Times*, who was present. According to another version, the thieves returned the next day, and for three days kept possession of the township, robbing and making prisoners of all who passed through; and, though a reward of £500 was offered by the Government for their apprehension, no arrest had been made up to the 26th—sixteen days after Mr. Gilbert and his friends *fled* the township they had just robbed. The whole story is one of the most extraordinary we have ever heard. Imagine the inhabitants accepting the invitation of the scoundrels who had, a couple of hours before, plundered them,—the constable acting as master of ceremonies,—the company rewarding with "roars of laughter" the robbers' account of their previous depredations! And not one word of all this is exaggerated. "Everybody knows," writes the *Times*' correspondent, "that such audacity was practicable any day or any night."

SERJEANT SHEE'S ELEVATION TO THE BENCH.

THE recent appointment to the vacant judgeship has received the warm approval of the Bar. By his genius and character Mr. Justice Shee has long deserved the prize. To have refused it him any longer would have been to say that no Roman Catholic lawyer, however eloquent, however distinguished, however fitted for the office, was to be made a judge. That is an announcement which no English Government would make, and which the English nation is not prepared to receive. In these days questions of theological import are rarely, if ever, mooted before a common-law judge; and when the interests of the Church of England are not directly or indirectly involved, no Englishman wishes to see unnecessary barriers interposed between merit and success. The only tangible difference between a Catholic and Protestant judge, as far as the public are concerned, is that it might possibly be deemed inconvenient for a Catholic to attend the English cathedral service while on circuit. The difficulty will probably be found one rather of theory than practice. A year ago Mr. Shee was appointed to travel one of the circuits in the south of England as a deputy. It was found that he did not object on religious grounds to open the commission and to attend Divine service in the usual way. Judges who are Dissenters, or even Unitarians, do so without reproach; and what they may do, a Roman Catholic may do also. Were it even otherwise, two judges invariably travel the spring and summer assizes in company, and an arrangement would easily have secured the presence of one upon occasions where the presence of a judge was made important by sound and ancient custom. It is a tribute to the discretion of the Government to be able to say that, while the conscientious feelings of the new judge on religious subjects need no vindication, no *contretemps* is ever likely to occur under the *régime* of Mr. Justice Shee.

In his elevation to the Bench the Bar loses its greatest orator; and perhaps its only orator properly so called. Those who have heard Mr. Justice Shee in his finest speeches have heard something that is not easily reproduced. There are other and younger

speakers at the Bar, whose genius and eloquence are of the highest order. The age, the presence, the dignity, and the fire of Mr. Justice Shee placed him at the head of all. It is said usually that he was not a successful Parliamentary debater. His style perhaps is too purely oratorical for the House of Commons in the present day. But at the Bar, in the conduct of a case of great public interest, when he had enjoyed full time to prepare his line of argument and to rise to the level of the subject, Serjeant Shee could hold Westminster Hall breathless with suspense and interest for hours. Mr. Gladstone is a fluent and accomplished rhetorician, qualified by his cultivation and his nature to ravish the ears of a business-like assembly of educated gentlemen. It will be long before he ever shakes and thrills an audience as Mr. Shee has often before now shaken crowded courts. Since the appointment of the present Lord Chief Justice of the Queen's Bench the bar had not another speaker of the sort; and Mr. Shee's years and presence have of late given him an advantage which even Lord Chief Justice Cockburn did not possess while at the bar. The new judge's chief difficulty will be to subside into a president, in the court where he has been so long an orator. Great advocates, it is said, make bad judges. It is to be hoped that Mr. Justice Shee will be an exception to the rule, which he will no doubt have many temptations to transgress.

For some years Mr. Serjeant Shee has led the Bar, in virtue of his rank of Queen's serjeant and his patent of precedence. Of late, his appointment to the Bench has been almost demanded on the part of the profession. It has been a growing habit with chancellors to make their appointments to judgeships serve Parliamentary purposes. Men have begun to talk as if a seat in Parliament and success as a debater in the Commons were necessary stepping-stones to the Bench. The idea is distasteful to the bulk of the profession, which sees some of its ablest and most learned leaders excluded by circumstances at this moment from the House. They naturally feel that genius and profound learning are more important qualifications for a judge than political activity and interest. Why are X and Y and Z, and A and B not judges? They are masters of the English law, and their character is equal to their experience and talent. Barristers will naturally continue to think it a poor answer to say that these great lawyers have not had the luck to be elected somewhere to serve on the other side of Westminster Hall. The honours of the Bar, in their opinion, should be for the Bar alone. At the bottom, accordingly, of the enthusiasm with which Mr. Shee's elevation has been welcomed, there is a strong sentiment of the kind. It is said, indeed, that the Bar intend to signalize the event by a dinner given to the new judge himself. We cannot wonder at it. We can well understand that no vacant judgeship could be more popularly bestowed than on a lawyer who is both esteemed for his personal qualities, and who, in a certain sense, is the father of the profession—the *Grand Batonnier* of the order of English advocates.

A VOLUNTEER UNDER ARREST.

THIS event, which certainly may be considered as marking quite an epoch in the history of the civilian force, took place last week, at the inspection, by Colonel Ibbetson, of a Cambridgeshire corps. The offender was the sergeant-major; the offence was "answering" the inspecting officer. Generally speaking, sergeant-majors of Volunteers are retired sergeants of the regular forces, but it is not probable that such a fault was fallen into by any one of such training, and we may feel pretty confident that it was the effort of self-justification of a much-badgered Volunteer. But Colonel Ibbetson's censures were not limited to the chief of the non-commissioned officers; he roundly told the whole corps that their performance was not creditable,—that the sooner they resolved to sink Volunteer independence in military discipline the better it would be for them,—that Government now required, in return for its money contributions, a certain degree of efficiency, and that he could not certify them as coming up to that standard. The result is, that the unhappy Saffron Walden Volunteers will have to go this year without the Government allowance of £1 per head.

We are extremely sorry for them, and our best sympathies are with the aggrieved sergeant-major, whose arrest, we can only hope, was not of that character which Colonel Crawley so emphatically defined "close arrest" to mean. But, nevertheless, we must applaud Colonel Ibbetson for having had the courage to do an apparently unpopular, and certainly disagreeable, yet absolutely necessary duty. We now depend so avowedly on the Volunteers as our reserve of defence, that it is above all essential that we should know exactly how far they are worthy of such confidence. Plain speaking, and the infliction of deserved penalties on

negligence, may somewhat diminish the apparent numbers, and may even, in some instances, result in the extinction of a corps. But it gives us assurance that those who remain are deserving of our confidence, and merit the commendations which are bestowed upon them. Thus, to secure that we have a nucleus of thoroughly drilled men, who, however small their number, are fit at a day's notice to take their place in line of battle, and round whom, if longer time be given, the youth of the country may at any time form and become inoculated with the military spirit, is to place us in a position of safety and to enable our rulers accurately to measure our strength. But to bestow indiscriminate laudation, with the view of getting together anyhow an undisciplined crowd, is to offer a premium for invasion, and to render measures of defence impracticable. In this view, therefore, much more than merely with the desire to get money's worth for the sums Parliament votes, do we rejoice to see the increasing strictness of inspection and the increasing severity of criticism and punishment, to which the Government officers are gradually subjecting the Volunteer force.

Nor need they fear that any general unpopularity among Volunteers themselves will follow the impartial performance of this duty. After all, the majority of the Volunteers are the material of thoroughly good soldiers, and what such men most dislike is to be petted and coaxed, and to be stamped together in one undistinguishing flow of flattery, with men or corps whom they know to be undeserving of praise. Colonel Macmurdo, the chief inspector, is apparently in this respect more timid than some of his assistants, and he would be little gratified if he could hear the comments in the ranks on some of his well-meant but mistaken efforts to make things pleasant where things are palpably not healthy. It will be well for Government and its officers to keep steadily in view that this great national movement originates in the deepest and sternest feelings and resolves; that these sentiments recoil with disgust from any attempt to encourage them with mere surface praise; that what the mass of Volunteers want is to be hardy and disciplined soldiers; and that they resent every treatment which deals with them not as such, but as children playing cleverly an amusing game. So they, as well as the public, rejoice when incapacity and carelessness which, in every cause and in every class, must sometimes be found, meet with sharp rebuke and strict penalty, such as the Saffron Walden Volunteers have experienced.

CAUTION TO "REFEREES."

THREE are few of us who at some time or other are not called upon to act as references for the respectability or pecuniary good condition of some third party. A servant leaves us and we are referred to for her character. A friend proposes for the tenancy of a house, and gives us as his reference. If the servant is faulty, we soften, sometimes even conceal, her misconduct rather than deprive her of the opportunity of earning her living. Perhaps we have doubts whether our friend will be the best tenant in the world; but we say what we can for him—more perhaps than he deserves. With the same loose morality we give him an introduction to our tailor, bootmaker, or wine merchant. We do this rather than break with him; or because he is a good fellow and we wish to serve him; or because we are under obligations to him; or perhaps because we are troubled with the moral cowardice which shrinks from saying, "No." Partly, too, we may do it from a feeling that we are performing little more than one of the courtesies of civilized life, and that if the worst comes to the worst the landlord or the tradesman can protect himself. All this is exceedingly loose, and unfair to those who give others credit on the strength of our respectability. But, what is more material, it is not without danger to ourselves. If we misrepresent the solvency of our friends, we sin against truth. We sin also against law, whose penalties are more direct and immediate.

Let us illustrate this little essay by a case which has just been tried in the Court of Queen's Bench. It was an action brought by a Miss Simson against the Rev. Mr. Helsham, of Ashford in Kent, for making false representations as to the credit of a Mrs. Wheeler, and so inducing the plaintiff to let that lady a furnished house, for which, in the result, no rent was paid. On the plaintiff's statement of the case the misrepresentation was very gross. When her solicitors wrote to Mr. Helsham, as Mrs. Wheeler's reference, he replied, stating his belief that she would be a very desirable, careful tenant, as, independently of being her trustee, he had known her many years as a highly respectable lady, and one fully responsible for any contract she had made. Assured by this statement, the plaintiff let the house to Mrs. Wheeler, at a rental of six guineas per week, payable quarterly. But before the first quarter had

elapsed, Mrs. Wheeler was in Whitecross-street Prison. Ultimately, she passed through the Bankruptcy Court, and then it came out that she had no property whatever; that she had received £150 a year from a brother in India, but that this was a voluntary allowance, and had ceased for ten months. Here was a clear *prima facie* case against Mr. Helsham, who, had it been true that he was her trustee, must have known the state of her affairs. It appeared, however, on his own cross-examination, that his only reason for saying that he was her trustee was that Mrs. Wheeler was in the habit of calling him so. But, what is infinitely worse, is the fact that only fourteen days before he wrote to the plaintiff's solicitors vouching for her solvency, he was present when a distress was levied on her furniture in the house she then inhabited, where also a man was in possession under a bill of sale to which he was a party. Long before this, in February, he had written to the upholsterers who held the bill of sale, stating that Mrs. Wheeler was "in not only straightened, but distressed circumstances;" and in March he told them that she must resort to the Bankruptcy Court if the alternative of a prison were forced upon her.

Upon this statement Mr. Helsham's conduct looks very black indeed; but when we come to examine his explanation, it wears a very different appearance. In the first place, Mrs. Wheeler was his relative, having married his nephew. He had known her twenty years; and when she wrote to him asking him to act as her reference, she told him that she was taking the house mainly for the accommodation of her brother, who was coming from India with his family, at the same time enclosing a letter from this brother in support of her statement. In a moral point of view this explanation justifies him; even the admitted fib about his being her trustee derives a colour of truth from the fact that the brother in India remitted the allowance to his sister through Mr. Helsham. But that is not the kind of trusteeship conveyed to a stranger's mind, especially when the stranger is a solicitor, by the word "trustee." It imports a deed and property, not a mere benefaction. Again, though Mr. Helsham might conscientiously believe, and no doubt did, that the rent would be paid by the brother, and that thus Mrs. Wheeler would prove in the long run "a desirable tenant," his letter to the plaintiff's solicitors vouched for a personal, not a vicarious solvency. The brother might not come from India. Whether he did or not, it is certain that the rent was not forthcoming from him. The fact that for ten months he had ceased to send his sister the allowance he had previously made her, should have put Mr. Helsham on his guard against building too much upon him. Grant him clear before his own conscience, he was legally wrong. He had no intention to deceive, but his letter was still a deception. He vouched for an existing solvency on the strength of one which, however probable to his mind, was prospective and not existing. The result of his misrepresentation was that the plaintiff lost her quarter's rent, and had the house upon her hands from September to December. Here was a clear case for damages, and the jury gave her a verdict for £110. Mr. Helsham is not singular in his indiscretion. There are plenty of persons who are guilty of the same sort of deception for which he has had to pay so dearly; and who forget that what is amiability to their friends is a gross injustice to those who give them credit. It will be well if such men take warning by his fate.

THE OXFORD CONSERVATIVE ASSOCIATION.

TO THE EDITOR OF THE "LONDON REVIEW."

SIR,—I hope you will allow the following remarks insertion in your next.

In your impression of last week an article appeared headed, "The Knownothings at Oxford," which contained two downright misstatements regarding the Oxford Conservative Association, to which I presume the title "Knownothings" is intended to apply, though with what aptitude I must confess myself unable to discover.

1. The writer implied that the association was an attempt made by certain senior members of the University to bring round the undergraduates to their own way of thinking. This I distinctly deny. It has so happened that I have been present at most of the meetings of the association, and certainly at all the first meetings, and I am in a position to declare positively to the fact that the movement originated with undergraduates. It is quite true that those undergraduates who originated the movement were sufficiently sensible to perceive that that movement would gain weight if senior members of the University were connected with it, and it is equally true that certain senior members were kind enough to lend the aid of their influence to that effect; but these truths amount to no more than the fact that certain graduates condescended to accept an invitation from certain undergraduates, and certainly cannot be construed into anything like supervision on the part of the graduates or hopeless subjection on the part of the undergraduates.

2. The writer, not content with mis-stating his case once, must needs proceed to indulge in some flowers of rhetoric regarding painted

windows and Gregorian chants. Now, although the painted windows and Gregorian chants were not definitely predicated of the Conservative Association, I think I shall not be far wrong in surmising that the casual reader would not improbably connect the former with the latter, and that the impression left upon his mind would be that the Conservative Association was a movement got up by the High Church party.

To correct this impression in the mind of the reader, I can inform him that several men who are not High Churchmen are connected with this movement. One of the purposes for which this movement was originated, was that members might, if possible, forget their differences as High Churchmen and Low Churchmen, and remember only that they join as men holding the vital truths of religion in contradistinction to the quack philosophers who inundate Oxford at the present time, and who would, if they could, destroy those vital truths altogether. This movement, far from being a party one, has had for its especial object the union of as many parties as was practicable.

To the writer I would put this simple question. Did he hear himself, or did he hear from anybody else, Mr. Lygon or Mr. Mansel discussing to "the Knownothings" the merits either of painted glass or Gregorian chants? If he did, I shall be curious to know about it, as I never did myself; if he did not, it is unfortunate that he should undertake to write about matters at random. For myself, I must confess that I think the antithesis would have been as well preserved if he had substituted "Hampshire pigs" or "Brummagem buttons." It is quite possible that both Mr. Mansel and Mr. Lygon may be able to talk very correctly about the properties of painted glass and Gregorian chants, but it is just as possible that they would have talked about the pigs and the buttons to the Conservative Association, as that they would have talked about the glass and the chants; and this from the simple fact that neither pigs, buttons, glass, or chants, have anything or can possibly have anything to do with the Conservative Association.

The writer talks a great deal about leaving undergraduates to themselves. I quite agree with the writer. It is precisely because undergraduates intend to be left to themselves that they are unlikely to follow the counsel, however well-meant, of the LONDON REVIEW.

Knowing, Sir, how much you have the interests of the Church at heart, I should be ungracious indeed if I attributed to the LONDON REVIEW a desire to make mischief in her cause. At the same time, I must protest against the article in question. If the writer either really understood the wants of Oxford, or knew anything about the Conservative Association, he would rather rejoice to see in working a movement which honestly endeavoured to grapple with some of those difficulties. The Liberal party have *their* organizations, and the Conservative party must do *their* best on *their* side. Whilst fully admitting that an undergraduate is best employed at his books or on the river, I see no reason to suppose that the fact of his being a Conservative and united with other Conservatives would prevent the due operation of either employment. Only those who desire to pick holes in every good work (and I am sorry to say that the class is not a small one) can possibly find any objection to an association which, whilst it hopes generally to make Conservatism more enlightened and more intellectual, has for its particular object the mutual encouragement of its members in these troublous times of doubt and unbelief.

And surely, Sir, your journal will hardly be responsible for the opinion that to keep a man in the vital truths of religion is to proselytize him unlawfully. Yours, &c.,

Christchurch College, Oxford,
December 12, 1863.

S. R. BROOKE.

THE CHURCH.

SAINTS AND THEIR LEGENDS.

No. 6.—THE EARLIER SAINTS OF ENGLAND.—ST. CONGARUS,
ST. BOTULPH, AND ST. CUTHBERT.

The male hermit saints of England sought still wilder places to live in, and encountered greater troubles, than the females, as it was but natural that they should. Moreover, according to their legendary history, they dated considerably farther back, and the history of the first of them of whom we have even a doubtful story, is rather romantic. Cungarus, or Congarus, according to his legend, was the son of an Emperor of Constantinople, who reigned early in the sixth century. In these early ages, royal or imperial blood, as we have remarked before, was the best material for making saints. The name, it may be remarked, has no Oriental character, and certainly it is not Greek. However, Cungarus, we are told, was driven by persecution from his father's court, and, taking ship, wandered westward until he was carried into the Bristol Channel, and came to land on the coast of Somersetshire, then a part of the kingdom of the West Saxons. Before he landed, he was informed in a vision that a boar would conduct him to the spot destined for his hermitage; and, accordingly, he had not strayed far from the landing-place, when the animal rose up, and went before him till they came to wild and solitary marshes, in the middle of which he raised himself an oratory, at the place which has since been called from him Congresbury. Here he lived in the greatest mortification of body, remained every day in the cold water of the marsh while he said his devotions, and lived upon cold water and barley bread alone, the latter being among the Anglo-Saxons the food of the lowest classes of society. Miracles soon

began to be manifested in connection with him, among the first of which was the sudden change of these unfrequented marshes (*loci aquatrici et arundineti*) into rich and smiling fields, to the great astonishment of all who were acquainted with them. The report of this change was spread all over the island, and he had soon a numerous congregation of monks under his government. On one occasion, when he stood with some of his clergy in his churchyard, he felt the want of shade, and wished for the shelter of a yew-tree; and thrusting his walking-stick, which happened to be made of yew, in the ground, and leaving it there, next day it was found to have taken root and grown into a spacious tree. But the great increase in the number of the monks was not agreeable to the tastes of the saint, and he resolved to make another pilgrimage in search of solitude. He had heard that there was a very wild country on the other side of the Severn, and he proceeded thither, and reached, at about a furlong from the river, a mountain with a spring of water on its summit, by which he proposed to set up his habitation, but the same night it was revealed to him in a vision that God had provided for him a still wilder and more solitary home, and next day he resumed his journey. He thus came to a much steeper mountain, also with a fountain at the top, where he established his hermitage, but where his quiet was disturbed by the persecutions of the Welsh.

The next remarkable hermit-saint settled on the opposite side of the island. St. Botulph is said to have been the son of a chieftain or prince of the East Angles, and to have crossed the sea while young into Belgic Gaul in search of religious instruction. On his return, he was kindly received by the king of East Anglia, who, at his request, gave him a place called Thunho, of the exact site of which there is some doubt, though it was perhaps Thorney in Cambridgeshire; but it was then, like Congresbury, a wild solitary marsh, and, which is more, it was believed to be possessed by demons, whom it was Botulph's first care to drive away. We are told that, when he first entered the marsh, a black smoke rose out of it, in which were heard loud lamentations and howling, and it was only with the sign of the cross that he drove them away. He performed numerous miracles, and his ancient fame throughout the fen district is proved by the number of places, far distant from each other, which bear his name. The place which was called from him Botulfes-tun or Botolph's-town, is now the important town of Boston. The site of Thorney, one of the most celebrated of early English monasteries, was called from him Ancarig, the hermit's island, and here his body was preserved.

The stories of some of these primitive English saints are sometimes told by those who knew them or who lived so near their own time that we can hardly doubt that these hermits were led by their ardent imaginations to believe in those wonderful adventures and to make others believe them. Such was the case with St. Botulph, and such also with St. Cuthbert, one of the most celebrated of the early Anglo-Saxon saints, whose life was written by Bede. His name would lead us to suppose that he was an Anglo-Saxon; but Bede gives us no exact account of his origin, and, at a later period, a story was published, and seems to have been generally received, according to which he was an Irishman. The Irish, like the Anglo-Saxons, made most of their saints of royal blood; but they had a preference, perhaps from the character of their early manners, for illegitimacy, and many of their greatest saints were bastards. Such was Cuthbert according to this legend. There was, we are told, in the earlier part of the seventh century, a Christian king in Leinster, who was warred upon by the King of Connaught, and the latter, having conquered him, put him to death, with all his family, excepting only a little girl, whom he gave as a slave to his queen. As the young princess of Leinster grew up she became very beautiful, and the King of Connaught having overcome her virtue by force, she became the mother of Cuthbert, who, however, was baptized by the Irish name of Mulluc. As this child might have been a claimant to the throne of Leinster, he would no doubt have been put to death; but his birth was attended by miraculous appearances, which showed so clearly that he was destined to be a saint, that a bishop of the country obtained permission to take him under his protection. While the infant remained in Ireland it was attended with frequent and rather extraordinary miracles; but the friendly bishop died, and then the young Cuthbert, to escape the King's pursuit, was secretly conveyed by his mother to a part of the coast, and was carried over in a ship to Galloway.

Such is the Irish account of the birth of Cuthbert, which, however, is quite inconsistent with the story of the saint as told by Bede, from which he appears to have been a native of the country in the neighbourhood of Melrose, to have displayed a love for a solitary life from a very early age, and to have been admitted into

the monastery founded there by Aidan, and of which Cuthbert became afterwards prior. He was afterwards removed thence by Aidan, and appointed prior in his monastery of Lindisfarne. Before this time Cuthbert's sanctity had been proclaimed by miracles. When he was eight years old, an infant of three prophesied to him that he should be an abbot and a bishop; when labouring from a grievous disease in the knee, an angel came on horseback and cured him; his prayers saved ships from wreck; and on his journeys to preach the Gospel he was supported with food sent him directly from heaven. These, and many others, differ from the Irish miracles in the fact that the circumstances, as described by Bede, all admit of a rational explanation. But they become more extraordinary, and less capable of explanation, as his love of solitude, and indulgence in it, increased. In the island of Lindisfarne there was a bishop, an abbot, a numerous body of monks, and all the establishment which belonged to them; and though these were edified by his teaching, his example, and his miracles, yet he yearned more and more after that entire seclusion from the world in which he might dedicate himself entirely to his own pious exercises. For this purpose he at length fixed upon the little rocky island of Farne.

Farne was a small island at some distance in the sea, unfrequented by men, but, according to the popular belief, inhabited by malignant demons. Cuthbert began by giving battle to these enemies, and was successful in driving them away from their old habitation. He made himself a house, or rather a hole, in the middle of the island, surrounded by a wall of earth, so high that within he could see nothing but the sky, designed "to prevent the eyes and thoughts from wandering, that the mind might be wholly bent on heavenly things." There were two chambers in this house, one intended for an oratory, the other for domestic purposes. At the landing-place he built a more comfortable house, for the accommodation of visitors. In this part of the island there was a spring of water, but there was none on the spot where the saint had made his own dwelling; so, to avoid being called out of his solitude in order to fetch water, he caused a pit to be excavated in the hard rock, and, having prayed over it the night before, he found it filled with fresh water in the morning, and it continued to flow ever after. At first Cuthbert appears to have reckoned on faring better than was becoming the profession he had chosen, but he received a sort of reprimand from above; having resolved to live by the labour of his own hands, and no longer depend on the provisions brought by his visitors, he obtained from them a supply of wheat-grain, and he dug a piece of shallow ground, and sowed it. To his astonishment, not a single grain germinated. Guessing at the cause of this, he next time planted the same ground with barley, and it produced a very plentiful crop. It was thus unmistakably notified from Heaven that barley bread was the proper diet of a hermit. He entirely neglected the comforts of his person. He wore shoes and leathern gaiters, which he did not take off for months, sometimes not from one year's end to another, only washing his feet at Easter, because it was part of the Church ceremonial for that occasion. At length he so completely separated himself from all mankind that he closed his window so that he could be seen by nobody, opening it only to give a blessing. Under these circumstances his miracles soon became celebrated. His barley drew to the island an abundant flock of birds, who soon began to make free with it, but he expostulated with them on their misconduct, and they listened to and obeyed his words, and came no more. Even the sea was obedient to him, and brought him what he called for. When he wanted a beam of timber for building purposes, it was washed on shore, cut exactly to the measure he required. There was a notion in the Mediæval Church that, before the fall, all animated things and even the elements were obedient to man's command, and that he lost this power by Adam's sin; and it was argued that when a man became a saint he naturally recovered it. The demons whom he had driven from their old haunts still continued to revisit it, according to Cuthbert's own account, for he told his visitors and the monks of Lindisfarne that they persecuted him in a variety of forms, sometimes throwing him headlong from the top of the high rock, sometimes pelting him with stones, and sometimes seeking to frighten him by appearing in horrible forms. These were no doubt the dreams of an over-excited imagination, deeply influenced by the popular superstitions of the Anglo-Saxon race. By these imaginary conflicts, by the mortifications of the flesh to which he subjected himself, for he passed so much of his time in prayer and remained so long in the same position that his joints became stiff, and by the reports spread abroad of the miraculous cures he performed, Cuthbert's fame soon extended over the whole land, and his little island became an object of pilgrimage from distant

parts. He was eventually elected bishop of Lindisfarne, and was obliged at times to leave his hermitage in order to attend to the duties of this high office, which, it may be added, he is said never to have neglected. Among his miracles there was one which would seem to show that the food on which these hermits live was mean more in appearance than in reality, and that when eaten by a saint it became pleasant and nourishing. One day Saint Cuthbert, when a guest in a monastery, asked for drink, and, rejecting wine or ale, would accept nothing but water. After he had drunk he handed the vessel to one of the attendants, who, having received permission to drink what remained, found to his astonishment that it had all the taste and flavour of good wine; and a monk who stood by also tasted it, and found equally that the water had been turned into wine!

Cuthbert only retained his bishopric two years, after which he resigned it to return to his hermitage in the isle of Farne, where he remained till his death, which occurred on the 20th of March, in the year 687. He became the great saint of the north country, and his shrine was long the glory and profit of the church of Durham.

REVIEWS OF BOOKS.

REVOLUTIONS IN ENGLISH GOVERNMENT.*

THE "Revolutions in Government" which shook England during the seventeenth century, and have left so lasting a mark upon our institutions, fill this concluding volume of Dr. Vaughan's work. No one could be better qualified than he is, to tell once more with effect the often repeated tale of the strife between Cavalier and Round-head, Royalist and Republican. As the leader of modern nonconformists he brings to his task an almost filial enthusiasm. It is natural that he should linger fondly over the rise of the party of which he is a distinguished member. But although we can see plainly enough the bias of the writer, he is altogether above unfair partisanship. He extenuates nothing, but sets nought down in malice. The only fault the harshest critic could find in him is a pardonable blindness to the faults of the Independents, and a determination to see no motes in the sunshine of Cromwell's glory. On the whole, the conclusions arrived at are the same as those of Hallam, Forster, and Sanford. There is nothing absolutely new in the book from the first page to the last. Nor indeed could there well be any novelty, except that which springs from a love of paradox, in a history of such a well explored period, and Dr. Vaughan is above indulging in historical paradox for the sake of appearing original. His conviction, he tells us, is that "the great judgments of history concerning the men and events of past times are not to be materially disturbed except in a few very rare instances." He abstains, therefore, from applying to the characters of whom he treats, any of that historical whitewash of which some of his brother historians are much too liberal. We should welcome his book if only for this, that it has the merit of being a protest against the desire to write history upside down, evinced by many recent writers. Since De Quincey's vindication of Judas Iscariot and Mr. Froude's apology for Henry VIII., no disconsolate spirit need despair. We shall some day find an enterprising biographer extolling George II. as a model of manners, and George IV. as a pattern of domestic virtue. A bundle of papers found in the Record-office, or deciphered with praiseworthy, though perverted industry, in a foreign library, often furnishes the only text for such startling doctrines. It is instructive to observe how futile are these endeavours to reverse the popular verdict. In spite of all the learning and zeal of their advocates, men still persist in believing that Judas was a traitor and Henry a Bluebeard. And we regard this scepticism as wholesome and just. We would not undervalue those diligent inquiries from which accurate truth can alone be learned; but we feel sure that the iconoclastic spirit, which upon most insufficient grounds presumes to reverse the settled opinion of successive generations is entirely unphilosophical, and we are glad to find no trace of it in Dr. Vaughan's pages. Here Charles I. is still a dissembler, Charles II. a voluptuary, Jeffreys a ruffian, and Sunderland a knave. The old familiar faces are familiar still. Whatever merit the writer has, he gains fairly not by distorting old views, but by presenting them in a fresh and clearer light.

Dr. Vaughan gives deserved prominence to the effect produced by the character of James I. on the fortunes of his successor. Hitherto too little importance has been attached to a reign which in reality did much to consign the Stuart dynasty to their ruin. It fixed on them the stigma of popular contempt. The people saw on the throne of Elizabeth a slovenly pedant of disgusting personal habits, known to be a coward and suspected with good reason of vices of which men only speak in whispers. Yet this unkingly being arrogated pretensions loftier than the haughtiest Tudor would have dared to avow. But he did not understand the character of his new subjects. Courtly prelates and servile judges might be ready to applaud and justify the most unwarrantable attacks on ancient privileges, but it was not likely that the sturdy middle-class Englishman, who had scarcely borne with patience the caprices

* Revolutions in English History. Vol. III. Revolutions in Government. By Robert Vaughan, D.D. Longman & Co. 1863.

of a really regal dynasty, would submit quietly to those of the impure and contemptible creature who now wore the crown. The King took no pains to conceal his weaknesses. He might be seen any day, in public, kissing the cheek of Somerset, hanging round the neck of Buckingham, weeping over the last night's debauch, quaking at the sight of a sword. The court of course partook of the character of its head. "The ladies," says Sir John Harrington, the translator of Ariosto, "roll about in intoxication." Costly and fantastic spectacles became the fashion. The same observer thus describes the scene at a mask representing the visit of the Queen of Sheba to Solomon:—

"The entertainment and show went forward and most of the presenters went backwards and fell down, wine did so occupy their upper chambers. Next came Faith, Hope, and Charity, all richly attired. Hope attempted to speak, but the beverage with which she had been cheered disqualifies her for that kind of service and she withdrew, hoping the King would excuse her brevity. Faith was there alone, for I am sure she was not joined with good works, and left the court in a staggering condition. Charity came to the King's feet and seemed to cover a multitude of sins her sister had committed. In some sort she made obeisance and brought gifts, but said she would return home again, as there was no gift which Heaven had not given his Majesty. She then returned to Faith and Hope who were both sick in the lower hall."

Scandalous as such carnivals as these must have been, they would have attracted no attention, had James possessed any public virtue. In this, however, he was entirely wanting. His coarse insolence at the Hampton Court conference, his perfidy to Sir Walter Raleigh, his behaviour to his successive favourites justify Dr. Vaughan in denouncing him as "utterly unfaithful, habitually profane, and grossly sensual." Thus, by private vice and public folly did this modern Solomon, as he loved to be called, like Louis the "well-beloved" in a later time, sow the seed of which his unhappy son was to reap the fatal fruit.

Charles was not the man to restore the fortunes of the shaken throne. By nature of an intriguing temper, he soon gave abundant proof of his partiality for double-dealing. His paltry attempts to refuse his full assent to the famous "Petition of Right" were never forgotten or forgiven. Once and for all he earned that character for hopeless insincerity which, twelve years later, justified his subjects in asserting their rights with the sword. Nor was he exempt from graver faults. His conduct to the heroic Eliot in 1629 proved that he could be cruel. This "confessor in the cause of English liberty" had been fined a thousand pounds for free speaking in the late Parliament. He neither could nor would pay the illegal demand, and was flung into the Tower. There, shut up "in a dark and smoky room," his health failed him. By the advice of his physicians, he "humbly besought" the King to set him at liberty. The only answer returned was, "the petition is not humble enough." Again, for his children's sake, he sued for mercy in terms that might have melted a heart of marble. No reply was vouchsafed, and in a few days death released him. The royal hatred was not satisfied even then. His friends asked for his body to place it in the family vault in Cornwall; but Charles spitefully commanded that "Sir John Eliot's body should be buried in the church of that parish where he died." Many other patriots were treated almost as harshly as Eliot. From the dissolution of Parliament in 1629 down to the meeting of the Long Parliament in 1640, scarcely a month passed without some fresh inroad on ancient privileges. Seconded by Strafford and the Star Chamber, by Laud and the High Commission Court, the King levied illegal taxes, established the old nuisance of monopolies, extorted enormous fines, inflicted merciless punishments, imperilled the national religion. The prison and the pillory were in full activity. No wonder, when Parliament at last assembled, the popular leaders adopted strong measures. Moderation was hardly to be expected from men smarting under such recent and repeated injuries. Yet, on the whole, their conduct was statesmanlike until the attempted seizure of the five members. Nothing, for example, could exceed the bold wisdom of the impeachment of Strafford; and when it became doubtful if the charges against him could be legally proved, we agree with Dr. Vaughan that the two Houses were justified in destroying their arch-enemy by bill of attainder. We cannot, however, concur with the writer's general defence of that mode of action. Retrospective legislation, inflicting punishment for offences the law cannot reach, is, in our opinion, always odious. In the hands of a great assembly, liable to be swayed by the passion of the moment, it is as dangerous as a loaded gun in the hands of a lunatic. To-day the weapon may be directed against a traitor, to-morrow against a patriot. If used at all, it should be reserved for those moments of national emergency to which ordinary rules cannot be applied. It is only defensible as the suspension of the *Habeas Corpus* Act or the proclamation of martial law may sometimes be defensible. It was a favourite instrument of destruction with Henry VIII.—a fact which alone speaks volumes as to its real character. Thomas Cromwell, among many others, was slain by this means, the servile Legislature refusing even to hear his defence. The annals of Parliament supply many similar instances of injustice. Strafford's attainder may be regarded as the exception which proves the rule.

We cannot follow Dr. Vaughan through his interesting account of the civil war and of the military despotism which followed the triumph of Cromwell, and which was the necessary consequence of an attempt to impose republican institutions on a monarchical country. The death of the Protector made the restoration of

Charles II. a certainty. Then followed thirty of the darkest years that England has ever known. Abroad her influence was at zero. She had exchanged a ruler, whose vigour had made her name a terror to Catholic Europe, for a king who betrayed her interests to Louis XIV. for money to buy jewels for his mistresses. At home matters were worse than under James I. Religion, honour, and justice, seemed dead. The popularity of Aphra Behn and Wycherley prove how debased the public taste had become since the days of Shakespeare and Milton. Corruption reigned supreme among public men. French gold found its way even into the pockets of the popular leaders. But perhaps the worst sign of all was the astounding servility and brutality of the judges. Judicial murders became frequent. The infamy of Jeffreys has thrown the crimes of his predecessors into the shade. Yet the "Popish plot" trials—to mention only one instance—rivalled the "bloody assize" itself in horror. Day by day Chief Justice Scroggs, a man of acute and powerful intellect, listened approvingly to the transparent perjury of Oates and Bedloe, and hounded on packed juries to shed some of the noblest blood of England upon their unsupported testimony. The rest of the judges were worthy of Scroggs. Not one of them, except Vaughan, whose fearless vindication of the rights of juries is the only bright spot in the legal history of the period, seemed to have any other object than to retain the favour of the Crown. They were always at hand, sometimes to crush an obnoxious patriot, sometimes to lay down bad law to oblige their employer. At last, like all sycophants, they overdid their part. In order to gratify James II., they solemnly pronounced that "the laws of England were the King's laws, and to be dispensed with at any time for reasons which the King shall deem sufficient," and that therefore he might dispense with the Test Act. This decision at once aroused the national detestation of Popery, and, in the opinion of Mr. Hallam, was the main cause of James's fall.

With our last revolution, Dr. Vaughan might have ended his labours, but he has added two interesting chapters on our national progress since 1688. Until times within the memory of most living men, there was small reason for boasting. England, under George III., really deserves in great degree the vigorous invectives of Mr. Phillimore. The two great factions which now divided the cares of government were too busy outmanoeuvring each other to pay any attention to the public interest. Education, even in its most elementary form, was almost unknown among the masses. The squires, who form the backbone of English society, were boorish and illiterate. Toleration was still withheld from Roman Catholics. Parliamentary representation was a gigantic sham. The law remained a chaos of barbarous absurdity. "Our courts," said Burke, as late as 1797, "seem by their proceedings to be in league with every kind of fraud and injustice." It has been reserved for statesmen of our own generation to realise a peaceful progress, "the most remarkable ever witnessed in an old and settled country," within the short space of thirty years. Although Mr. Cobden has a right to lament the ignorance which unhappily still distinguishes our agricultural classes, every year increases the percentage of those who can read and write. English country gentlemen, if not, even now, always highly informed, are not of the type of Squire Western. The Catholic and the Jew can complain no longer of civil disabilities. The Reform Bill of 1832 has made the House of Commons a really representative body. The law has been purified of many of its blemishes and is administered with scrupulous impartiality. Everywhere, the reformer is abroad. But while we are gratefully enjoying the fruit of his efforts, we should not forget those who laid the foundation on which he is building. Count Montalembert tells us of the invigorating effect always produced on him by "a plunge into the free air of English liberty." We may find a similar benefit, especially at a time when "rest and be thankful" seems likely to be adopted as a favourite motto, in tracing again, in Dr. Vaughan's pages, the history of those famous times when the decisive victories of freedom over tyranny and privilege over prerogative were fought and won.

PATON'S EGYPTIAN REVOLUTION.*

THE title of Mr. Paton's work, "A History of the Egyptian Revolution from the period of the Mamelukes to the death of Mohammed Ali," is likely to mislead a reader unacquainted with the events to which it relates. By a revolution we understand either a complete and radical change of government, or such a change effected by democratic agencies. Since the great French Revolution the term has come to be used almost exclusively in the latter, or special acceptation. But no revolution in either sense has ever taken place in Egypt, or indeed in any other Muslim country. A great change has been made in the government by the establishment of a hereditary Pashalik, but this has not been of the nature of a revolution. The dignity of the Pasha is raised and the succession is secured to his heirs male, but he still receives investiture from the Sultan, furnishes a contingent to his armies in time of war, and acknowledges his supremacy in the public prayers.

The causes which gradually gave a half independence to many of the outlying provinces of the Turkish empire, though not sufficiently complex and remote to deserve the analytic skill of a

* A History of the Egyptian Revolution, from the Period of the Mamelukes to the Death of Mohammed Ali. By A. A. Paton, F.R.G.S. London: Trübner.

De Tocqueville, are worthy of the attentive study of all who are interested in the fate of that strange anomaly in Europe, and the effects have been as eventful as any produced by the revolutions proper of the Franks.

The decline of the Turkish empire may be dated from the reign of Suleyman the Magnificent, whose failure before Vienna and subsequent refusal to meet the far smaller army of Charles V., showed that the Turks were no longer the same hardy race that overran the east of Europe, and destroyed the last remains of the Roman empire. But the nation was still warlike, and, though its most successful statesmen and commanders were chosen from the ranks of renegadoes, the decay was gradual, until the failure of the second siege of Vienna marked that a second and more disastrous period had begun. It is not unnatural that such capital events should have made epochs in the life as in the history of the empire, for so great failures must have disheartened the nation and accelerated the weakening causes that really produced them. The military successes of the Turks were due to the organization of their armies, and in particular to the formation of the corps of Janissaries, who, like all picked troops quartered in a capital, gained great influence and required strong discipline. The failures that indicated the decline of the empire, and were met by the use of the bowstring for unsuccessful generals instead of energetic reform of the army, rapidly demoralized the troops, and the Janissaries speedily became Praetorians, who really governed their Aga, and at last could depose and put up sultans at their caprice. This loosening of the ties of the military system of the empire was in effect the disintegration of the state itself, which if not essentially military, was stronger in this than in its civil side. The provincial governors, no longer fearing the anger of a powerful sovereign and an efficient executive, made it their sole endeavour to wring from their unhappy provinces every obtainable piastre, until the very name of pasha became synonymous with every kind of rapacity and cruel extortion. As by degrees this state of insubordination at home and abroad grew into a system, the governors began to discover that they might evade the occasional consequence of unusual success in plunder, a recal and squeezing to replenish the hungry treasury, by making themselves half-independent of the central authority, and trusting to fate or chance for immunity. Nothing but its environment by enemies of different manners and religion kept the unwieldy empire together. Its weakness, as a state, was not wholly a calamity, for each attack of the Franks, so provoked, roused a strong feeling of resistance among the people, and no Turkish pasha was unwise enough to trust himself to an alliance with a neighbouring enemy, knowing his fate on the conclusion of peace. The inevitable disturbance of the balance of power by the overthrow of Turkey secured the alliance of the Western Powers, which has been observed with rare fidelity between ourselves and the Porte. This alliance eventually checked the advance of Russia, and thus the internal decay of Turkey proceeded while it was artificially propped up by foreign states, and maintained by its inability to assimilate with surrounding nations. The French Revolution and Napoleon's wars, while they gave occupation enough to the most dreaded enemy of the Porte, threatened by a curious law of compensation worse injury in another direction, overturning the authority of the sultan in Egypt, and weakening the existing system so as to pave the way for designs like those by which Mohammed 'Alee made himself an important place in modern history. We must not be understood to rank Egypt exactly with those border-states that by position fostered revolt. As the best pashalik, its government was long given to the most able servants of the Porte, and for two centuries it enjoyed a degree of tranquillity unknown to the rest of the empire. The maintenance of a Memlook aristocracy, representing the dynasty overthrown by Seleem I., rendered it necessary to put the province in strong hands. Many evils and ultimately civil war, resulting in the virtual supremacy of the Memlooks, arose from this divided authority, but the province was, on Napoleon's invasion, in a state that made its conquest no light matter, and that rendered such an event necessary, before it could be absolutely governed by a ruler as independent as Mohammed 'Alee.

A narrative of the recent history of Egypt thus necessitates an introductory account of the previous periods, those of the Memlook dynasties, of the rule of the Turkish Beglerbegs jointly with the Memlook authority, and of the French occupation with the brief time of anarchy that followed that rude overthrow of the old government. Mr. Paton has seen this necessity, but he has carried back the introductory portion to the Arab conquest, and omitted all account of the Turkish governors from the conquest by Seleem I. to the French invasion. He may be somewhat excused on account of the extreme difficulty of finding materials, but he has taken so much pains in searching for fresh information that it is much to be regretted that he has neglected this curious and little known age. For nearly two centuries and a half, from the Turkish conquest at the beginning of the sixteenth century until the rise of 'Alee Bey in the middle of the eighteenth, when, through his genius, the country became for a time independent of the Porte, the history of Egypt in all European works is a pure blank, but there are native materials. El-Ishákee gives a scanty account, which is little more than a catalogue of the Beglerbegs, but there are other detached sources of information. Unfortunately, the admirable topographical account of Cairo in the *Khitat* of El-Makreezee, rich in historical details respecting the founder of every important edifice built before his time, reaches no further than to his age, the latter part of the fifteenth century. But later works and an examination of the mosques of the age of the Beglerbegs would partly supply the

deficiency, and Mr. Paton had opportunities of commencing this work, of which he did not avail himself. He is a little too anxious to render his book uniformly interesting, and in achieving this object, as he has certainly done, he has slipped over one of the less exciting periods of history, when causes were silently working that ended in producing startling results. To write a complete or partial history of modern Egypt that should be thoroughly satisfactory requires a good knowledge in the writer of the Arabic language, and a special study of the manners of the people. Mr. Paton does not claim these attainments, and even a slight comparison of the different modes in which words are written will show the reader that the disclaimer is a judicious one. But it must be acknowledged that he has collected materials before generally unknown in Europe, and used them with no little judgment.

The introductory portion of Mr. Paton's work contains much information that will be new to ordinary readers. He has judiciously drawn from western as well as eastern sources, and has given picturesque variety to the narrative. The account of the Court of the last Memlook sultan, Kansoooh-el-Ghooree, by the Venetian ambassador's secretary, is an interesting view of the magnificence of that lost monarchy from the European side; but it is a pity that Mr. Paton has not attempted to prove it to be as truthful as the contemporary papers of other Venetian embassies, by offering an explanation of the topographical difficulties in the description of the citadel of Cairo that must strike any one acquainted with that part of the city.

The continuous history which follows the introductory chapters consists of two portions, relating the events of the French occupation, and the career of Mohammed 'Alee. Nearly equal space is devoted to these two subjects, and we cannot but think that the importance of the former is over-estimated, judging from the greater detail in which it is recorded. No doubt the events and the actors were great in that three years during which Egypt was once more the fighting-ground for the mastery of the world. Yet in the history of Egypt the period is of less importance than that which followed it. The former is part of European history, important to Egypt only as having been the occasion of breaking through the influence of the old Memlook aristocracy, the latter is the period during which a new government was founded upon its ruins.

Mohammed 'Alee differs from his contemporaries who took advantage of the weakness of the Porte during the early part of the present century in having left behind him an organized state, in all respects deserving the name of a kingdom. Had he not been checked by the European powers it is certain that he would have permanently annexed Syria and Arabia, and bequeathed to his successors an Oriental empire. The history of 'Alee Pasha of Yanina, and of the other governors who adopted the same daring policy, shews his superior genius. He alone has left his mark upon the nineteenth century, and will be better remembered than even his master and enemy the Sultan Mahmood, who indeed owes fame to scarcely anything but the Massacre of the Janissaries. It is true that Mohammad 'Alee under greater provocation resorted to a similar act, but the Massacre of the Memlooks is not the chief event of his career. He was not a cruel man; like most Orientals, like almost all Turks, he was very reckless of human life, but he had no taste for small acts of barbarity, and his palace was not the scene of that petty tyranny that made Ibraheem Pasha detested. Considering that he was born in the depth of Muslim bigotry, when the hatred of Franks had been strengthened by the failure of the Porte to resist the aggressive designs of Russia, and that he entered Egypt at the time that the like feeling had been excited to the highest pitch by the impolitic acts of the French occupation, it is remarkable that Mohammad 'Alee should have been free from prejudice against Europeans. So much indeed was he above littleness of feeling that when we were thwarting him in his favourite project by the Syrian expedition, he let the Indian mail pass through Egypt without molestation, and so well was his character known that no anxiety was felt by our Government on the subject.

Mr. Paton has scarcely been able to do justice to this remarkable character. He has been too anxious to group together interesting incidents, and has thus lost sight of the constant importance of the principal subject of his history. For, during the first half of this century, the biography of Mohammad 'Alee is the history of Egypt. Anecdotes of Oriental life and descriptions of Cairo, however agreeable to the reader, take off his attention from the real matter in hand and destroy the continuity of the narrative.

Mr. Paton's style is pleasant, though he aims somewhat too markedly at that picturesqueness, which, even in Macaulay, is a fault. When, for instance, Guizot is introduced as restoring the *entente cordiale* between England and France, it is quite superfluous to offer a criticism of that statesman and his career, which carries the reader away from the practical subject of the narrative, to which he is only brought back, after a digression of a page, by a kind of wrench that might have been spared him. It cannot be said that the author has a thorough knowledge of Eastern character, and sometimes his translations and the expressions which he puts into the mouths of the Egyptians are painfully Levantine; in this respect, however, he is superior to the general run of travellers, and makes up for a want of minute accuracy by a genuine interest in his subject. The work is an acceptable addition to contemporary history, treating of an interesting period which has hitherto lacked an English annalist.

GAMMER GRETHEL'S FAIRY TALES.*

THIS volume is one of the shadows which the coming Christmas season casts before it. Or is it not rather one of the preclusive lights which fittingly herald the advent of that "merry" time? For events approaching do assuredly throw lights before them as well as shadows. Well for us that they do so! We could not else see, with so much calmness as we do, the passing away of the seasons. Our summer past, our days shortening, the forces of winter mustering ahead, and the roar of his storms even now reaching us, we welcome whatever turns our thought to the "bright side" and to the pleasant reliefs and compensations we may reasonably anticipate.

Among these we do not hesitate to reckon the pleasure to be shared with our children in reading and listening to Grimm's Fairy Tales. To be sure, they are not new to us. We know all about Master Thomas Thumb, and Hans in luck, and the Goose Girl, and lovely little Rosebud, and the invisible cap, and the wishing-cloak, and the hundred other wonderful and impossible things that make up the charming and precious library of fairy-lore. But that is no reason why we should not like them. Rather is it one of the best possible reasons why we should like them the better. It is so with our children. Nor does this relish for the familiar, and for repetition of the same form of pleasure ever wholly cease to hold a place in our hearts. It holds, indeed, a large and not unimportant place there, and we might, were this the occasion, trace its influence in each of the great spheres of human activity. We welcome, then, and heartily, this batch of the old well-known tales, and we thank our "learned gossip," Gammer Grethel, and our very learned philologists and antiquaries, Wilhelm and Jacob Grimm (now both at rest from their earthly labours!) for this rich storehouse of most ancient fairy literature and beloved folk-lore. We must not forget to thank also the translator who has taken the key and opened the door and let us in to enjoy the treasures; or the artists who have done many of the very comical scenes into pictures, over which we can laugh again and again.

It is pleasant to hear that "Gammer Grethel" is not a mere name, but is, or rather was, a real German woman, an "honest good-humoured farmer's wife;" that her real name was Viehmännin, that she lived in some peasant-home in the neighbourhood of Hesse-Cassel, and that the great scholars, Jacob and Wilhelm Grimm, did actually hear and write down from her lips a great number of the tales in their collection. We confess to feeling enough interest in the venerable old dame to be capable of some touches of sympathetic sorrow, when we are briefly told that her family had their share in the sufferings in which Germany was involved by the first French war of the Revolution. A portrait of her is the frontispiece to this volume of tales, and a really interesting addition it is. There is that curious something about the picture which assures us that it is a likeness of a real human person, and not a mere study or fancy. And as we see her there, seated, facing us, at a table, in a straight-backed and rather handsome old chair, a tight-fitting black cap with white band on her head, her strong arms well wrapped in warm woollen sleeves and resting on the table, one hand laid upon the other, and the fingers of the left hand touching a little nosegay that lies there, we recognize with no faint pleasure the presence of a brave, honest, intelligent, and kindly soul. We are persuaded that those eyes could really see, that truthfulness and resolution drew the lines of that face, that those hands did faithfully the hard work appointed them, and that the heart beating beneath those homely wrappings was no stranger to care and sorrow, and knew how to come victorious out of them. For this portrait we are indebted to M. Ludwig Grimm, who sketched it from the life.

Many illustrations are scattered through the book, a few of which are from designs by M. Ludwig Grimm, and most of the others from old designs of George Cruikshank. Those of M. Grimm are merely pretty and sentimental; our readers will know what to expect in those of our famous humourist, and they will find what they expect. Among the best—that is, those which will most effectually promote a good hearty laugh when the stories they illustrate are known, are the following: the sketch at the head of "The Golden Goose," showing Dumpling marching merrily on with his goose under his left arm, a stout staff grasped in his right hand to walk with, and a train behind him of three girls, a parson (unpardonably fat!), the clerk (pitifully lean), and a couple of labourers with mattocks—all helplessly sticking fast together by the mysterious virtue proceeding from the feathers of the goose, and compelled to go with Dumpling whithersoever he goes. Two women look on from the house by the roadside, one at the door, the other at a window, both showing by their attitude that they can do nothing but laugh at it. And on the grass in the foreground the laugh is still more laughably repeated by an awkward village urchin and a short-legged, curly-tailed cur. The tailpiece to the Waits of Bremen is more uproariously funny. It represents the invasion of a robber's house by an ass, a dog, a cat, and a cock, who were on their way to Bremen with high ambitious hopes, but turning aside into a wood for the night came to a lonely house. The incident is thus related in the tale:—

"The ass, being the tallest of the company, marched up to the window and peeped in. 'Well, Donkey,' said Chanticleer, 'what do you see?' 'What do I see?' replied the ass; 'why I see a table

* German Fairy Tales and Popular Stories, as told by Gammer Grethel. Translated from the Collection of M.M. Grimm, by Edgar Taylor. With Illustrations from Designs by George Cruikshank and Ludwig Grimm. H. G. Bohn.

spread with all kinds of good things, and robbers sitting round it making merry.' 'That would be a noble lodging for us,' said the cock. 'Yes,' said the ass, 'if we could only get in.' So they laid their heads together to see how they could get the robbers out; and at last they hit upon a plan. The ass set himself upright on his hind-legs, with his fore-feet resting against the window; the dog got upon his back; the cat scrambled up to the dog's shoulders, and the cock flew up and sat upon puss. When all were ready, Chanticleer gave the signal by pulling puss's tail; Grimalkin mewed, and up struck the whole band of music. The ass brayed, the dog barked, the cat mewed, and the cock crowed. Then they all broke through the window at once, and came tumbling into the room, amongst the broken glass, with a hideous clatter!"

Capital, too, is the sketch at the head of "Jorinda and Jorindel." The interior of the bad fairy's castle, who had seven hundred cages hanging up there, with seven hundred beautiful birds in them, all once pretty maidens, thus transformed by her malicious spells. Jorindel, the shepherd-lad, is come to rescue his lost sweetheart Jorinda; the old hideous enchantress is hurrying away with the cage and the bird he wants, and he pursues her; the sunlight streams in at the door; the captive birds in their cages look on; and a lanky black cat, with its back up, stands menacingly on the little table. The lover will touch the cage with a disenchanted flower and his Jorinda will be herself again. One other capital sketch we must not pass over without notice; it is the tailpiece to "Pewit." Pewit, a poor countryman, through a series of adventures, misfortunes by odd chances changed to their opposites, has grown very rich, and is envied by his neighbours. He accounts to them for the possession of a fine flock of sheep by reporting that the lake into which they had thrown him was enchanted, and that he got his flock at the bottom of it. They are bent on having some sheep too, and he tells them they have nothing to do but to jump in and fetch them out.

"So they all agreed they would dive for sheep; the justice first, then his clerk, then the constables, and then the rest of the parish one after the other. When they came to the side of the lake the blue sky was covered over with little white clouds, like flocks of sheep, and all were reflected in the clear water; so they called out, 'There they are! there they are already!' and fearing lest the justice should get everything, they jumped in all at once; but Pee-wit jogged home, and made himself happy with what he had got, leaving his neighbours to find flocks for themselves as well as they could."

Verily, a profound fable with its moral in it. "We men are a little breed," and are too ready to "dive for sheep!" To thoughtful readers these tales are rich in such wise meanings.

The tales alone will not only charm but satisfy all child-readers. For elder ones further provision is made in the form of notes by the translator, touching upon points of literary and antiquarian interest; especially pointing out the similarity and connection between the favourite tales of various and widely-separated countries, and showing us the surprisingly "wide and early diffusion of these gay creations of the imagination." It is thus suggested that these stories, which still delight young souls in all quarters of the world, and have been drawn from so many sources, had probably one primitive fountain-head, hidden in the impenetrable gloom of remotest antiquity. Very rich in illustrations of this matter is said to be the Neapolitan collection of popular tales entitled the "Pentamerone," published two hundred and fifty years ago. We must give our readers a specimen of Mr. Edgar Taylor's notes, and we select, as one of the most likely to be generally interesting, that appended to the story of Tom Thumb:—

"The 'Daumesnick' of Grimm; from Mühlheim, on the Rhine. In this tale the hero appears in his humblest domestic capacity; but there are others in which he plays a most important and heroic character, as the outwitter and vanquisher of giants and other powerful enemies, the favourite of fortune, and the winner of the hands of kings' daughters. There are several stories in Grimm's collection illustrative of the worth and ancient descent of the personage who appears, with the same general characteristics, under the various names in England of Tom Thumb, Tom-a-lyn, Tam-lane, Tommel-finger, &c.; in Germany, of Daumesnick, Däumling, Daumerling, and Dumpling (for though the latter word is used in a different and independent sense, we incline to think it originally the same); in Austria, of Daumenlang; in Denmark, of Svend Tomling, or Swain Tomling; and further north, as the Thaumling, or dwarfish hero of Scandinavia.

"In one of the German stories now before us, his first wandering is through the recesses of a glove, to escape his mother's anger. So Thor, in the twenty-third fable of the *Edda*, reposes in the giant's glove. In another story—our 'Thumbling' ('Der junge Riese')—the hero is in his youth a thumb long; but, being nurtured by a giant, acquires wonderful power, and passes through a variety of adventures, resembling at various times those of Siegfried, or Sigurd (the doughty champion, who, according to the *Heldenbuch*, 'caught the lions in the woods, and hung them over the walls by their tails'), of Thor, and of Gretir (the hero who kept geese on the common); and corresponding with the achievements ascribed in England to his namesake, to Jack the Giant-killer, and Tom Hycophric (whose sphere of action Hearne would limit to the contracted boundaries of Tylney, in Norfolk), and in the Servian tale, quoted by MM. Grimm from Schottky, given to 'the son of the bear,' Medvedovitsh.

We need only add that the translator has allowed himself to make some slight alterations in some of the tales, chiefly with a view to avoiding offence to the "fastidiousness of modern taste." And so, with hearty goodwill, we leave good Gammer Grethel to gather and charm her young parties as of yore, for twelve, or twelve hundred times twelve merry evenings more.

JANET'S HOME.*

To write a novel which contains no startling incidents whatever—indeed, scarcely any incidents at all—no elaborate plot, no characters out of the common range of human experience, and no grand flights of passion or pathos, and yet to make it interesting and impressive, is undoubtedly evidence of great ability of some order. This is what we find accomplished in "Janet's Home," and the authoress (for there can be no doubt as to the sex of the writer) may fairly congratulate herself on the result. The story—which, though printed in two volumes, is equal to the orthodox three—records the everyday life of a middle-class family with some rather high connexions, and does so with a simple, realistic power that enlists our sympathies at once. It is the air of actual experience which gives the tale its charm. We find it difficult to believe that we are not reading some veritable autobiography, or to forbear fancying that we have, at some time or other, met the characters described, and shared in the emotions they are made to suffer. A good deal of literary skill is visible in the expression of the writer's thoughts, and we should judge the authoress to be one who has received an education, and gone through an amount of mental discipline, far superior to the majority of lady novelists, or of male novelists either. But seldom did any writer of fiction indulge less in the allurements of literary artifice. Janet seems to be content with recording; she rarely "treats" her subject. If she has a pathetic incident to describe, she describes it with just that degree of pathos which is inseparable from the mere relation of such a circumstance with tenderness; if she has anything funny to tell, she tells us with the same matter-of-fact circumscription within the precise limits of the thing itself. There is little of that rich overplus of personal feeling which springs from an abstract, ideal sympathy with pathos and humour for the pathos and humour's own sake—a sort of imaginative excess which is generally found in connection with genius of the highest rank. Yet excess of a certain kind she has: an excess of literal portraiture, or an inability to refrain from setting forth a thing because it is natural. She "reports" the dialogues of her characters as if she had taken it all down at the time in short-hand, and must needs give the whole for no other reason than that it was really uttered. In spite of our interest in the characters, we confess to being sometimes oppressed by this pertinacity of conversation. It so happens that a good many of the *dramatis personæ* (Janet herself included) are very clever people, given to argument and self-analysis; and, though a great deal of this is admirable, and very much to the purpose, it is sometimes a little too fluent and copious. But the authoress would probably say that it is exact, and that that is sufficient justification. People in real life do talk too much, and, therefore, a novelist ought to make her characters talk too much. She photographs human beings just as they sit to her, and if the noses of some are too long, it is no business of hers to clip them.

Nevertheless, we cannot but think that—as in ninety-nine cases out of every hundred—the story would have gained by condensation. It resolves itself into but a slight web of incident. Janet Scott is the eldest daughter of a great scholar, who is head master of a large school, and professor of history at one of the London colleges—a man of large faculties, of an exalted character, and of naturally tender disposition, though somewhat cold and reserved in manner, even among his own family. He is capitally described in the second chapter, as he used to appear on winter evenings, when, abstracted from all family concerns, he was preparing some historical lecture for the next day. "He sat very upright, his head slightly bent towards his book; the strong light from the lamp fell on his high, broad forehead, from which the dark hair was much worn; his eyebrows were usually slightly knit; the lips pressed in; the rest of the features and figure in perfect repose, while the restless eyes glanced rapidly to and fro on the page with a sort of fierce eagerness in them, as if they would tear the heart out of the book." The wife of this intellectual wrestler is a sweet-natured woman of weak character, the daughter of a Welsh squire who died prematurely, and whose estate passed into the hands of strangers, leaving the daughter almost portionless. The new possessor, Mr. Lester, had a son whom he was desirous of marrying to Lady Helen Vane, one of the noble Denbigh family. For a time they were engaged; but the young man afterwards took a fancy to the orphan daughter of the dead squire, and, quarrelling with his father, left England, married an Italian woman, and, dying, left an only daughter, Rosamond, whom the grandfather brings up. Lady Helen afterwards marries a Mr. Carr, and becomes a widow, with an only son, who grows to be a man of genius and a poet. A certain intimacy between the Scotts, the Lesters, and Lady Helen Carr, is resumed in later years, and the two daughters of Mr. Scott go on a visit to Lady Helen at her ancient seat—a dreary, old, decaying place on the sea-shore of Norfolk, described with a good deal of poetical feeling. It is not long before Shafto Douglas Carr, the son, falls in love with pretty Nesta, the youngest of Mr. Scott's daughters. The mother—a woman not devoid of feeling, but with a nature blighted by early disappointment, cynical, satirical, and given to scepticism in religion—disapproves of the attachment, and tries to get up a match between Nesta and Richard Moorsom, a fine-natured, simple, blundering young fellow, who loves her to distraction, but for whom she does not care at all. The plot fails, and Shafto Carr asks and is accepted. Young Carr is in many respects like his mother—ill at ease with himself and with the world, and openly at issue with established religious ideas.

* Janet's Home. Two volumes. Macmillan & Co.

After awhile, a coldness springs up between himself and Nesta; the match is broken off, and in mere pique he engages himself to Rosamond, with whom young Hilary Scott, Janet's sister, is already in love. In the end, however, all is made smooth again. Rosamond, seeing the true state of affairs, releases Shafto, who marries Nesta, while Rosamond becomes the wife of Hilary. This somewhat complicated re-arrangement seems to us a little strained and arbitrary; but we suppose the lovers must be brought comfortably together in a work of fiction, whatever it cost to do it. Janet also obtains the man of her choice; Mrs. Scott gets back the Welsh estate, while her husband, who has become blind, is happy in the happiness of his children. Such is the story of "Janet's Home;" it is slight in itself, but receives weight and dignity from the subtle insight into character exhibited by the authoress. Janet describes herself as prone, in a morbid degree, to the dissection and anatomical study of her own feelings and disposition; and this is shown throughout with great mastery and power. A haunter of dreamland, yet full of practical resources when the real need for them arrives, she gains upon our love and esteem at every page, though we are bluntly given to understand that she is very plain. Nesta is a little insipid—somewhat moist and limp with too frequent tears. But the characters of Shafto Carr and his mother—wary, disappointed, doubting, overshadowed by the consciousness of an estate embarrassed and a family dying out, yet with a strange power of fascination notwithstanding all—are the creations of no common pen. After Shafto's marriage to Nesta, he becomes more cheerful, and less disposed to sneer at the world's opinions and ways; but we are not told that he is converted. This is excellently discriminated. Such a man might soften under the influence of a true affection, but he would be very unlikely to give up opinions which are evidently rooted in strata far lower down than those of manners or disposition.

SHORT NOTICES.

THE ICE-MAIDEN.*

A PRETTY story, in which the real and fanciful are blended with the author's acknowledged power. Little Rudy is rescued from a crevasse into which his mother, journeying after the death of her husband to her own family in the Bernese Oberland, has fallen, with Rudy in her arms. There the ice-maiden has kissed him, but not to death; and when he grows up to be a famous hunter and the best shot in Switzerland, she pursues him, till at last she gets him into her power on the eve of his marriage with pretty Babette, the rich miller's daughter of Bex. This is vexing; but Babette consoles herself, not with another bridegroom, but with the religious reflection that "God ordains what is best for us." Throughout the book there are happy reflections of a religious and practical kind well pointed by the story. The descriptions of Alpine scenery and life are often very beautiful; and Rudy's exploit in taking the young eagle from its nest is one of the most exciting adventures we have read. The miller has resented Rudy's pretensions to the hand of Babette, and has mockingly told him that she shall be his when he brings the eaglet alive from its nest, adding, "You will break your neck, I hope; then we shall be free of this bad job." Rudy selects two companions to aid him:—

"About midnight they set out with alpenstocks, ladders, and ropes. The road lay through copsewood and brushwood, over rolling stones—upwards, always upwards, in the dark and gloomy night. The waters roared below, the waters murmured above, humid clouds swept heavily along. The hunters reached, at length, the precipitous ridge of the rock. It became even darker here, for the walls of rock almost met, and light penetrated only a little way down from the open space above. Close by, under them, was a deep abyss, with its hoarse sounding, raging water.

"They sat all there quite still. They had to await the dawn of day, when the parent eagle should fly out; then only could they fire if they had any hope to capture the young one. Rudy sat as still as if he had been a portion of the rock on which he sat. He held his gun ready to fire; his eyes were steadily fixed on the highest part of the cleft, under a projecting rock of which the eagle's nest was concealed. The three hunters had long to wait.

"At length, high above there was heard a crashing, whirring noise; the air was darkened by a large object soaring in it. Two guns were ready to aim at the enormous eagle the moment it flew from its nest. A shot was fired; for an instant the outspread wings fluttered, and then the bird began to sink slowly, and it seemed as if with its size and the stretch of its wings, it would fill the whole chasm, and in its fall drag the hunters down with it. The eagle disappeared in the abyss below; the cracking of the trees and bushes was heard, which were snapped and crushed in the fall of the stupendous bird.

"And now commenced the business that had brought the hunters there. Three of the longest ladders were tied securely together. They were intended to reach the outermost and last stepping-place on the margin of the abyss; but they did not reach so high up; and smooth as a well-built wall was the perpendicular rocky ascent a good way higher up, where the nest was hidden under the shelter of the uppermost projecting portion of the rock. After some consultation, the young men came to the conclusion that there was nothing better to be done than to hoist, far up, two more ladders tied together and then to attach these to the three which had already been raised. With immense difficulty they pushed the two ladders up, and the ropes were made fast; the ladders shot out from over the rock, and hung there, swaying in the air above the unfathomable depth beneath. Rudy had placed himself already on the lowest step. It was an ice-

* The Ice-Maiden. By Hans Christian Andersen. Translated by Mrs. Bushby. With drawings by Zwecker. Engraved by Pearson. Richard Bentley.

cold morning; the mist was rising heavily from the dark chasm below. Rudy sat as a fly sits upon some swinging straw which a bird building its nest might have dropped on the ledge of the lofty eyrie it had chosen for its site; but the insect could fly if the straw gave way—Rudy could but break his neck. The wind was howling around him, and away in the abyss below roared the gushing water from the melting glacier—the ice-maiden's palace.

"His ascent set the ladder into a tremulous motion, as the spider does which holds fast to its long, waving, slender thread. When Rudy had gained the top of the fourth ladder he felt more confidence in them; he knew that they had been bound together by sure and skilful hands, though they dangled as if they had had but slight fastenings.

"But there was even more dangerous work before Rudy than mounting a line of ladders that now swayed like a frame of rushes in the air, and now knocked against the perpendicular rock: he had to climb as a cat climbs. . . . He gained at length the last step of the highest ladder, and then he observed that he had not got high enough even to see into the nest. It was only by using his hands that he could raise himself up to it; he tried if the lowest part of the thick interlaced underwood, which formed the base of the crest, was sufficiently strong; and when he had assured himself that the stunted trees were firm, he swung himself up by them from the ladder until his head and breast had reached the level of the nest. But there poured forth upon him a stifling stench of carrion; for putrefied lambs, chamois, and birds, lay there crowded together. . . .

"In a corner of the eagle's nest Rudy beheld the eaglet sitting—a large and powerful creature, even though it could not yet fly. Rudy fixed his eyes on it, held on marvellously with one hand, and with the other cast a noose around the young eagle; it was captured alive, its legs were in the tightened cord, and Rudy flung the sling with the bird over his shoulder, so that the creature hung a good way down beneath him, as, with the help of a rope, he held on, until his foot touched at last the highest step of the ladder."

Rudy got safe down, and the miller rewarded him, as we have seen, with Babette. The tale is prettily illustrated, and is as pleasing a gift book as the season has produced.

MRS. KEMBLE'S PLAYS.*

WHY Mrs. Kemble should write upon her title-page, "Plays, by Frances Anne Kemble," seeing that only one of them is the work of her pen, the other two being translations, is not clear. Putting the translations aside, and turning to that to which she may lay claim, we must say that we do not think her merits in dramatic composition at all equal to those of her prose writings. The subject of "An English Tragedy" is one which we would rather not see a lady expend her powers upon, and which few men in these days would think of dramatizing. We confess we should have a difficulty in detailing the plot, and some of its incidents are so offensive that we could not approach them. No doubt they are not worse than things which have happened and may be occurring daily. But there is a limit to our right to deal with the realities of life in a work of fiction; and that limit Mrs. Kemble has transgressed in a very daring and singular manner. Putting aside this most legitimate ground of objection, we do not see that there is much dramatic skill in her treatment of the subject. The lapse from virtue of the judge's wife is far from sufficiently accounted for, either in the development of her character or in the magnitude of her temptation; and her conduct is so wantonly revolting that the whole story is a glaring improbability. Occasionally, however, we meet a striking passage, of which the following is one of the best samples; Anne, the judge's wife, is discovered in her bedroom, at the window:—

"The day goes down, and darkness comes apace,
To muffle up the wickedness and woe
That the light looks on. O that never more
Morning might rise upon the earth! that this
Fast gathering gloom might henceforth shroud the world,
And wrap my shame and sorrow up for ever!
But the hours will go upon their ceaseless errand;
The night will fold her wings, and rising up
Leave on the earth a new-hatch'd day of misery.
And I must wake from sleep, and feel my heart
Clutch'd by remorse and fear ere well I wake;
My dismal and inseparable fellows,
That still lie down, and still rise up with me.
And I am strong and young—great God!—and I
Must live through many, many, many days,
Before I die! Far down through the darkening fields
The river runs; deep, deep, and fast it runs,
And underneath each wave of it there lies
A bed for death. A moaning voice comes to me,
Calling me to lie down and sleep beneath
That glassy coverlid—it were soon done.
No more to fear; no more to think and suffer;
No more to know; no more to recollect.
O blessed fate! no more to recollect!
I'll do it: it grows night—no one will see me;
And far, far, when the cruel morning breaks,
My body will go tumbling on the waters
To the great sea—and where shall be my soul?
O terrible thought! I shall not die in drowning.
'Tis not my body suffers and remembers;
It is my soul, and that shall live for ever!
Perchance, too, as I leapt into the waters
The love of life might rush into my heart;
And while the choking waves were smothering me,
The sun, the light, might rise before my eyes,
And I might long to live; and if I call'd,

* Plays. By Frances Anne Kemble. Longmans.

"Tis night, and none would hear: my husband's far,
And he is far. Oh, my heart dies away,
To think of him whom I did love so madly,
Whom now I fear and loathe so utterly!"

SCHOOL MANUAL OF GEOLOGY.*

MANUALS of geology have been plentiful of late, and now almost every author of any eminence has one of his own. Lyell, Phillips, Mantell, or rather Rupert Jones, Ramsay, Page, Portlock, and many more. And now Mr. Jukes has a second turn in the same line. Happy ought the little schoolboys of 1864 to be when a director of a Government survey writes a manual expressly for their edification. What a prolific crop of future geologists ought such a lesson-book to bring forth! we hope the good seed will not fall in barren places. However Messrs. Black may congratulate themselves on having got so good a man to write so good a book,—for undoubtedly it may rank as one of the nicest and most sensible books on elementary geology that has been published,—one is often asked what is the best book to read to get a general correct notion of geology. None we have seen is more suited for such a want than the school manual Messrs. Black, of Edinburgh, have just produced; for although called a "School Manual," it is equally, or even better adapted for "grown-up persons who have no time for a more extended study of the science;" to this class also it is offered by the author.

For this latter purpose especially it is, as one might have anticipated, from the standing and merits of the author, it would be, a decided success. The type is fair sized, and nicely leaded; the illustrations appropriate and good; some, admirably drawn by Mr. Du Noyer, are original, and not copied; others, of fossils, seemingly by Mr. Bailey, are rather roughly engraved, and are partly original and partly copied. The paper is good and white, and the getting up is as creditable to the publishers as the work, as one of its class, is to the author. The contents are well arranged. The first part is devoted to the geological operations now in action; the second, to facts observable in the crust of the earth; and the third part to the formation of the earth's crust deduced from the facts observable in it as interpreted by the operation now going on. The accounts of the various rock-formations are very concise, and usefully culled of all unnecessary extraneous matter, and we get a clear idea of their respective characteristics and extent. The divisions Mr. Jukes recognizes are in descending series—the Pleistocene, Pleiocene, Meiocene, Eocene; Cretaceous, Oolitic, Triassic; Permian, Carboniferous, Devonian (doubtfully), Upper Silurian, Cambro-Silurian, Cambrian and Pre-Cambrian periods.

Perhaps nothing is more creditable in this manual than the absence of dogmatic assertion. Every topic has its proper modicum of proof, and doubtful or not absolutely established theories are treated with moderation, and their deficient points pretty generally, although very quietly admitted. The style, too, is often easy. The following is a specimen from the summary of the chapters on the formation and changes of rock-masses:—"Our dry lands are slipping and sliding from under our feet more slowly but as surely as the glacier slides beneath the feet of those who traverse it and think it perhaps to be not only solid but immovable ice. The life of a man is as transient in the one case as the passage of a traveller in the other: even the duration of nations of men and the existence of the whole human race covers but a small part of the time that has elapsed during some of even the most recent of the great changes that have taken place on the surface of the globe. . . . To the mind's eye of a geologist, however, not only are the leaves fleeting, but the trees and even the forest itself; for he looks back to the time when the very ground on which it stands did not exist, and forward to that when it shall be no more."

Altogether, with such a liberal and candid exposition of the tenets of the science, Mr. Jukes' book cannot fail to do much good service to geology, and deserves to be extensively read by the general public, amongst whom it is much to be desired that some such work should supersede and set aside the numerous trashy publications which have been so frequently set before the world as guides to geological knowledge, but which, like will-o'-the-wisps, have led most astray those who have most depended on them.

MRS. GREENHOW'S IMPRISONMENT.†

WE really cannot see, upon Mrs. Greenhow's own showing, what she has to complain of. She admits, and glories in, the fact that she used her position and opportunities in New York and Washington, in order to defeat the Federal cause and strengthen the hands of the Confederates. She made her hostility to the North unnecessarily conspicuous by openly saying bitter and insulting things to and of the leading men of the North, and thus made herself the mark of suspicion only too well grounded. Had the Washington Government left her at large, it would have acted with even greater folly than Mrs. Greenhow herself; and if they were not to do that there was only another resource left, and that was to imprison her, which they did. What right, then, has she to complain, or on what ground are we to show her the sympathy she asks? If we trust her own account of her conduct, she corresponded with the Confederate Generals, and gave them information very useful to them, and damaging to their opponents. She was, in fact, a daring spy, who would stick at nothing, and did not even attempt to conceal the bitterness of her hostility to the North. This spirit of bravado is conspicuous throughout her book, and her portrait gives us the impression of a handsome daring woman, who would be very likely to do the things which she says she did—and would have done, had she been put to it. To the two men who were sent

* The School Manual of Geology. By J. Beete Jukes, M.A., F.R.S., Local Director of the Geological Survey of Ireland. Edinburgh: A. & C. Black. 1863.

† My Imprisonment, and the first Year of Abolition Rule at Washington. By Mrs. Greenhow. Richard Bentley.

to arrest her she said: "Had I been inside my house I would have killed one of you before I would have submitted to this illegal process." When her house was occupied, one of the detectives rapped at her door while she was secreting some papers. He then opened it, but seeing her "apparently legitimately employed," withdrew. "Had he," she writes, "advanced one step, I should have killed him, as I raised my revolver with that intent; and so steady were my nerves, that I could have balanced a glass of water in my finger without spilling a drop." At page 63 she says, "I had taken the resolution to fire the house from garret to cellar, if I did not succeed in destroying certain papers in the course of the approaching night." There may be in all this a good deal of bluster now that the danger is over, but she cannot quarrel with us if we take her at her own estimate. If we do so, never was anything more incumbent on the part of the Government against which she was intriguing than to shut her up. No doubt, imprisonment was disagreeable to her as it is to every one. And if it was carried out in her case with strictness, she herself shows how necessary this was. Even when closely confined and watched in her house, she found means to correspond with the South. At page 92 she writes:—

"I was at this time seized with a taste for tapestry-work. The colours necessary for its prosecution came to me through the Provost-Marshal's Office, wound in balls, with simply a memorandum, by which I could always know the original arrangement of colours. I had made a vocabulary of colours, which, though not a very prolific language, served my purpose. My letters, above all things, puzzled these 'wise men of the East,' who finally came to the conclusion that, for a 'clever woman,' Mrs. Greenhow wrote the greatest pack of trash that was ever read."

"By way of justifying this opinion, I will submit a specimen of my epistolary efforts:—

"Tell Aunt Sally that I have some old shoes for the children, and I wish her to send some one down town to take them, and to let me know whether she has found any charitable person to help her to take care of them." My immediate correspondent was of course ignorant of the true meaning. But, carried to that respectable old lady, 'Aunt Sally,' she read it thus:—"I have some important information to send across the river, and wish a messenger immediately. Have you any means of getting reliable information?"

"Of course my versatility of mind was exercised to vary the style and character of these effusions, so as not to attract attention to them, and I am glad to state that in this effort I was eminently successful."

Again, when the naval expedition—"The Great Armada," as it was called—was about to start under the command of Burnside, it became a matter of vast importance to her to discover its destination. Here is her mysterious account of how she did so—still a prisoner in her house:—

"We are told that Jove nods sometimes; and Mr. Secretary Seward, who in the morning is the most reticent man in the world (admirably illustrating Talleyrand's famous axiom, that language is given to conceal thought), is, after supper, and under the influence of the generous gifts which the gods provide, the most genial and confidential. I have often had occasion to admire the confidingness of his nature on these occasions, and wondered if the judgment of the world was correct in ascribing to him the character of a subtle schemer and tortuous intriguer.

"It was upon one of these festive occasions, when the mind of the great statesman had become properly attuned, and his thoughts soared above the sordid materialism which fettered his genius during the plodding methodical business hours, that he addressed himself to the task of indoctrinating a distinguished foreign representative, whose views, I am sorry to say, were not dissimilar to his own, as to the utter hopelessness of the Southern cause, and assuring him that in thirty days (a favourite period of his) the rebellion would be crushed out—demonstrating this melancholy fact by describing in detail this 'invincible armada,' and the devastating course it was predestined to take.

"This important information was conveyed to me by my little bird. Mayhap it was the bird sent out from the ark, and did not return, and now came back to me with better than the olive-branch. I leave this as an antiquarian speculation. But being satisfied by other means of the accuracy of the intelligence, I lost no time in preparing one of those peculiar square despatches, written in that cipher for which a very large amount had been offered, and, with a prayer to Almighty God for its safe delivery, committed it to my faithful bird, and sent it across the waters to General Beauregard, to be forwarded to our great and good President at Richmond.

"I might describe, if I chose, the danger that my poor bird passed over, and how it at one time took refuge in the dovecot of the enemy, and other things of startling interest; but this would indicate the course of the heaven-sent messenger, and jeopardise the future."

But though it must be admitted that Mrs. Greenhow deserved her imprisonment, it is also to be said that it was accompanied with unnecessary severity, and that many acts of the Government in her case were wantonly oppressive. Again we must admire the unbending courage with which she bore herself through a trying ordeal, and the tact with which she contrived to keep up her correspondence with the South. Her book is interesting as giving us a sample of the Southern women, and when we have read it we wonder no longer at the heroism shown under the most trying difficulties by the Southern troops. Wives and mothers like Mrs. Greenhow must make a nation of heroes.

THE FAMILY FAIRY TALES.*

THESE tales, the Editor informs us, have been "traditional in a particular family," and are written by those to whom they were

* The Family Fairy Tales; or, a Fagot of Sticks for the Christmas Fire. Edited by Cholmondeley Pennell. Illustrated by Ellen Edwards. Hotten.

related as urchins. They fully deserve the care which has preserved them, and in their present dress will afford amusement at the fire-sides at which they may be read. We may instance in particular the story of "The Blue Fish," as one of the best Fairy Tales we have seen; though the Lady Fitzwalter was somewhat hardly used for a well-meant indiscretion. The malice of the sprite who assumes her form is developed with plenty of imaginative power. "My Lord Lion" is inferior, and without the purpose which fairy tale ought to have. But there is a grotesque humour in his lordship's politeness which will not fail to please. On the whole, the collection is excellent; the illustrations, by a very young lady, show real genius.

MR. WIND AND MADAM RAIN.*

AN ingenious and most amusing fairy tale; showing how John Peter, a miller of Brittany, received magical gifts from Mr. Wind and Madam Rain, and foolishly abused them, till his son, Peter, wiser than his sire, found out a proper use for them, and ended by obtaining letters of nobility from the Conqueror and marrying a baron's daughter. The story is full of fun—the puppet play especially—and the illustrations of Mr. Wind and Madam Rain admirably grotesque.

THE LITTLE DARLING AT THE SEA-SIDE.†

A SERIES of characteristic sketches of child life at the sea-side, dedicated by her Majesty's permission to the Princess Beatrice. The drawings are generally excellent, many of them beautiful; and the text is sufficient to hit their meaning without burdening a very young mind with too many words. We know of no prettier Christmas gift for a child.

THE BOOK OF BLOCKHEADS.‡

THE moral of this book is the obvious truth that if people want anything they must take the means to get it. The humour consists in showing how a parcel of blockheads in want of a dinner did everything to obtain it but the right thing; and how, in the end, they were indebted for it to a fool. We cannot say the humour is amusing, or that the moral is either clearly or forcibly worked out. Before we get half-way through the book we feel that it is becoming tedious; and when the secret which the beggars, the "cocky birds," &c., have whispered to the blockheads comes out, it falls pointless. Of the illustrations we can speak in terms of praise.

A WELCOME TO THE PRINCESS OF WALES.§

IT is impossible to speak in adequate terms of the exceeding beauty of this volume, in which Mr. Owen Jones carries off the palm from Mr. Tennyson—not, by the way, a very difficult achievement, for the Laureate's Welcome is, poetically speaking, poor. It is a marvel of the art of illumination; most chaste, exquisite, and beautiful—worthy the eyes of the royal lady in whose honour it has been executed.

FINE ARTS.

ART IN THE PANTOMIMES.

ONE peculiar and thoroughly English feature of the Christmas festivities and entertainments is the pantomimes. Every theatre offers one—for under the title we include their very near relative the burlesques,—and every house vies with the others according to its means and the class of customers it has to supply. Scene-painting now-a-days is no mean art, and although those for the comic plays of this season are very peculiar, they are also very astonishing, and deserve criticism from a higher point than has hitherto been accorded to them. The scenery which illustrates our operas and grand plays, even that which forms the background of an ordinary farce, possesses, as now put on the stage, artistic merits which would have won world-wide fame for a master in the olden times, and, although rough in execution and fleeting in duration, such scenes are nevertheless well worthy of close and attentive criticism; and if this were constantly and rightly applied to the most meritorious productions, it would tend to advance to a still higher pitch the pre-eminence of English scene-painters. It is not the mere water-colourist or oil-painter who could undertake such a production; nor is it the man of high finish in his works; but it must be one who has worked in distemper, and one who has grand and bold ideas of delineation and of vivid and powerful effects of chiaroscuro and colour. Two resources the scene-painter has which the picture-painter never possesses. He can paint with *light* and with tinsel. Sunshine can never be used as a pigment, and the nearest approach to it the picture-painter has is Chinese white and white paper. But the scene-painter can apply night by night the glorious rays of the lime-light to his canvas,—and everybody knows the effects of tinsel. We may know well enough it is not gold that glitters, but in spite of ourselves tinsel lights up in our minds sparkles of childish gladness which are very refreshing, even while we smile at our own folly in being knowingly cheated by such pleasing illusions. Gaudy as some of the pantomime scenes are, there are some which, whatever their gaudiness, are

* Mr. Wind and Madam Rain. By Paul de Musset. Translated by Emily Makepeace. Sampson Low, Son, & Co.

† The Little Darling at the Sea-Side. A series of Drawings by Lorenz Frölich. Text by her Mamma. Translated by Mrs. George Hooper. Trübner.

‡ The Book of Blockheads. By Charles Bennett. Sampson Low & Co.

§ A Welcome to Her Royal Highness the Princess of Wales. From the Poet Laureate. Owen Jones, Illuminator. Day & Son.

truly gorgeous in their transient results while animated with the living figures which the scene-painter, too, has disposed and coloured to his liking—effects which as worthily demand our praise for the artist who produces them as if he had painted his ideas on a flat surface of “four feet six by four” for our drawing-rooms or galleries. There are difficulties, too, in the manipulation of scene-painting which would frighten an ordinary painter. To draw a perspective line thirty or forty feet long may, like many other seemingly difficult things, be accomplished by a trick—the snapping of a charcoaled cord will do what the eye and hand could not—but there are other things which, large or small, the eye and hand alone can perform. One difficulty in scene-colouring is the difference produced in the colour by drying. A novice would be astonished at seeing the scene-painter lay on to the sun-lit tops of columns a pigment as brown as the skin of a chestnut, and he might be still more astonished to find this same pigment drying up to the lightest of fawns or the palest of stone-colours. He would be perplexed if he were set to practical work by having to paint in skies with blues as intense as unmitigated “Prussian,” and finding perhaps, when dry, that he had to go over his labour again because the paint was too pale. Worse than all this is the difficulty of repair. In the sky, for example, unless some of the colour be kept, it would be next to impossible to match it, and any tampering with broad masses of flat colouring is certain to produce patchiness. The manipulation of details must be bold to produce effect; finish results in tameness. Then comes another point in scenic painting. The picture is often entirely, and usually more or less, built up. Now, art has a hand in this building as much as in the painting of the back-scenes. Objects in the fore-ground require strong colours, and yet not such as will do prejudice to the acting figures, whose dresses for colour and whose arrangement in position as a grand group of models must derive artistic effectiveness from the painter, but those in the middle and back distance must be as properly tinted as the middle and distance of a wall-picture. At one time, the interior of a cottage or of a mansion, a forest or rocky scene, did duty for half-a-dozen plays, and a dreary dauber’s dull imagination was permitted to depict semblances or dissemblances of unreal and unnatural objects, more the effect of manipulative accident than of previous mental conception. But now even a cottage must be a portrait, and a landscape a truthful representation of scenery. It must also be characteristic—as English, Irish, Scotch, or foreign, rustic, mountainous, or architectural.

The play-going public look to have from the hand of the painter the actual likenesses of the places wherein the imagined scenes of the play are supposed to be enacting. It is not enough that the actors give display to human passions, but appropriate terrestrial or fabulous scenery must accompany their acting. Every opera and every play now put properly on the stage conveys in its accessories a truly grand fund of information,—in “Sardanapalus” we had really ancient Egyptian scenery and ancient Egyptian dresses, just as in Kean’s representations of Shakespeare we have the scenery presenting the actual rooms and places where the scenes are laid. So in every theatre, from Covent-Garden to the Surrey, more or less effort to paint realities is made. In operas and fanciful plays more licence to the imagination is given than in historical pieces, but the chasteness of the results of the painter’s freer liberty of imagination shows the beneficial effect of the higher public criticism. Even in the pantomimes this feature of true realization of localities is unostentatiously creeping in, and with undoubted good effect, for the reality of the scenery will give additional point to the burlesque which is going on in front of it.

There is yet another point which calls out the skill of the scene-painter. In a picture we can choose the size of our canvass according to our subject; but in a theatre the size of our picture is chosen for us, and sometimes the size and shape of the theatre are as awkward as possible for the painter. In Covent Garden and Drury Lane, where there is plenty of height, the scene-painter has free scope for his boldest ideas, uncramped and unfettered. But when, as in the Haymarket, there is a flooring above the scenes, and the scenic space is therefore low, the artist has an additional and very unrelenting demand upon his skill. If we look through the ruins of the gateway of an old castle, the landscape seen through the arch looks brighter and more distant than those portions of the same scenery which are seen on either side of the ruins. So by approaching imperceptibly to the arch shape with his side scenes, the stage-painter contrives to get an increased appearance of distance for his back-scene, and generally more atmosphere, as well as more scope for freedom of composition in the entire making up of the stage picture.

It cannot be expected that we should criticize that which is not in existence, and no one but the respective painters can as yet have an idea of what worthy of a purely art-criticism the forthcoming pantomimes will display; but, just as the greater amount of art exhibited in common utensils and furniture announces the progress of civilization of a nation, so will every item of true art manifested in the getting up and in the accessories of our most comic and riotous class of plays, be a far more telling sign of the more cultivated tastes of the multitude than the more studied and elaborate efforts of our best scene-painters for the representation of the higher classes of operas and of scenic and historical plays to be exhibited before select and educated audiences. Operas are for the few, pantomimes for the many—the mass; and in this lies the great interest and value of their art-features. We may, however, be allowed to anticipate what the principal theatres will put before their Christmas audiences, although we should be un-

willing to attempt to give more than a running mention of the principal scenes, for as the portions of the various sceneries are finished, they are disposed of against walls, one upon another, in various places all round and about the theatres, to be as handily available as possible for fixing by the carpenters; and therefore at the present time it is only in incongruous patches of the disjointed fragments of half a dozen acts, that even the artists themselves can see them. Moreover, it certainly could not be until the final rehearsals, or the actual production of the pieces, that a proper criticism could be given to the merits of the scenery. The preparation of these works extends over considerable periods of time, often occupying close attention and labour for two or three months; and as some at least of the men who produce them are artists of high ability, there must be much deserving proper consideration in the results of their labours. In most cases drawings and models to scale are previously made, but Beverley often works direct at once on the canvass. For pantomimes, “Old Drury” has long enjoyed an enviable notoriety, and Beverley, who this year paints the scenery, is always called before the curtain to receive his well-merited applause. “Sinbad the Sailor; or, the Great Roe of the Diamond Valley, and the Seven Wonders of the World,” is the field open for him, and he first gives us “the Great Pyramids of Egypt.” Upon this follows “the Mountains of the Moon,” in which an extraordinary effect of real water by artificial moonlight will be introduced, representing the “Sources of the Nile.” The third scene is the “Seaport of Basorah;” then follow the “Pavilion in the Indian King’s Palace,” the “Valley of Diamonds,” the “Island of Pigmies,” “The Basaltic City of the Dwarf Kingdom,” which gives place to the grand transformation scene of the “Flowery Land of the Eastern Magi.” Of these the “Mountains of the Moon,” the “Basaltic City,” and the “Flowery Land,” promise extraordinary effects. But we reserve all criticism upon Mr. Beverley, as we do upon Mr. Grieve, who is painting for Covent Garden the “Hall of Chivalry; or, St. George and the Dragon.” His three principal scenes are, the “Brass Castle of the Enchantress,” the “Ruins on the Banks of the Nile,” the “Dragon’s Cave and the transformation-scene of the Grand Hall of Chivalry,” into which the cave-scene changes, and which will occupy the entire extent of the stage. In these two first-rate theatres are the largest spaces and the finest means for the realization of the artist’s wishes.

Turning to the smaller houses, we have at the Haymarket Mr. Connor working away at “King Arthur, or the Knights of the Round Table,” the opening view in which discovers Stonehenge before daylight, and art-critics who may criticize it will possibly discover a “dodge” of the artist’s, in addition to the many dodges in the play itself. The sun has to rise and dispel the storm and darkness which obscure the enchanter Merlin, and Mr. Connor’s dodge is to tip with the glorious “first beams of day” the old “grey weathers” of the famous Druid temple. The third scene, a “set” one, that is, built about the stage, is an enchanted forest in which Merlin reposes in a hollow tree, and this will disappear by mechanical contrivances, and give place to the ballet scene in the “Fairy Dell,” in which is a pool of overflowing water overhung by trees. In this scene the artist has attempted what we hope will turn out a very beautiful pictorial effect, although the idea had its origin in a stage difficulty. As we have before said, the scene-space of the theatre is unusually low, and this scene requiring more than usually an arched border of wing-scenes, the difficulty was to avoid the unsightly appearance of the flat bar-like roof of the scene-space. A great out-spreading tree entirely cut out is therefore made to screen the whole stage, and the ballet art will be viewed through the openings between its gnarled and outspreading branches. In the fourth scene we are to have the interior of a Saxon castle; the fifth, giving the exterior, goes all to pieces, discovering the grand interior of a hall decorated in the illuminated-missal style, in which are King Arthur and his knights. At the Adelphi, Mr. Thompson is putting out his skill upon the burlesque of “The Lady Belle-Belle, or Fortunio and his Seven Magic Men,” every one of which has some extraordinary capacity—one eating up everything, another drinking all liquids to the same extent, and so on—the plot being taken from the well-known story of the Countess d’Arnois. “Leah” continuing so great an attraction with the public will render impracticable such efforts as this house has sometimes made, but the second scene, representing the interior of the palace, will be extensive, and promises to be showy. The last scene, “Under the Mistletoe,” is very fancifully conceived. All above is mistletoe, below frost and snow. And no doubt the kissing of the hosts of fairies and other lovely creatures of imagination, beneath the golden leaves of the canopy of the mystical plant, will produce its desired sensation.

At the Princess’s Mr. Lloyds is elaborating “Tom Tucker; or, the Old Woman that lived in a Shoe”—a strange subject for artistic treatment, and yet there is some originality in the way it is attempted. The opening scene is “Cocker’s Studio,” in which the necromantic and bookworm-istic is commingled. The columns of the studio are formed of ponderous volumes with huge rustic blocks of coal, and in the centre is a great slate, which opens at the kind command of the fairy queen, and discovers “Holiday Home,” or what may be better described as a barley-sugar temple with Christmas trees and toys—a monstrously attractive affair, no doubt, for the juveniles. Then comes the scene with the old woman’s shoe, in which the treatment of the bothering children will no doubt go as near to the verge of propriety as it can possibly be carried, while Taffy and Tom Tucker take part in a regular

pantomime "scrimmage." The "Land of Leeks" next draws off, and presents Contrary Mary's garden with cockle-shells and silver bells and cowslips "all of a row;" not exactly the position the artist would wish them to be in, so he has put the cowslips "all of a row" in a grand curve sweeping round from the right edge of the stage to the extreme back, where their termination is hidden behind a grotto of blue mussel-shells, which gives body to a rather pretty light scene. From the cockle-shells of course fairies, or something else supposed to be equally wonderful and beautiful, issue and take part in the ballet. Now the change is to a corridor in the palace of Old King Cole, who was "a merry old soul," but who has lost that characteristic, and is brought forward as the very miserable king of the black diamond mines—the idea of which is carried out in the architecture of his palace by masses of coal set in a red ground. Banbury Cross forms the next scene, and vanishing into a clouded marsh, gives way to a fairy lake of real water, covering the whole stage, and out of which spring flags and water-plants, while the moonlight dances on the ripples. Illuminated flowers and fairies with lights in galleys, add to the sparkling reflections from the water, and this scene promises to yield something novel and pleasing. As the moon sinks, a nautilus floats on and a fairy palace rises, the idea of which is the construction of a Gothic interior with pendants from the roof by means of palm-like trees and plants growing out of the lake. As the nautilus turns over, the Fairy Queen appears seated in it, and paddles herself along through the water with her delicate hands in sparkling spray, beckoning on other fairies in other shells; these form the base tier of a group, of which the second tier consists of other fairies dressed in silver bells, and the third tier is of cowslip fairies in golden dresses. On this tableau the lime-light and colour fires will stream, and, reflected in the real water of the lake, will produce a scenic effect that we hope will repay Mr. Lloyd's for his ingenuity.

"Over the water," Mr. Gates is indefatigable at "Chaucer; or, John of Gaunt and Robin Goodfellow." He is undoubtedly making an effort. The subjects of the scenes are, "the Fairy Dell;" "Grotto scene;" "the Tabard Inn;" "the Wishing Gate," with a distant view of Canterbury; "John of Gaunt's Castle" (painted by Mr. James); "Corridor in the Castle of John of Gaunt;" and the "Court-yard" of the same, which gives place to the Grand Tournament—which is promised to be on the most extensive scale and to be acted with living steeds. Gorgeous with tinsel as this may be supposed to be, it has still to yield to the concluding transformation scene, composed chiefly of those pretty flowers "the Canterbury bells;" and in this the artist has taken a flight of imagination which we are not at present disposed to follow, nor to give further account of than that he introduces cascades of real water with living water-nymphs beneath them. The Surrey had last year a long run for its pantomime, and the management anticipates another success. "Harlequin King Cole; or, Ride a Cockhorse to Banbury Cross, and the Frog he would a-wooing go," are the combinations of subjects to which Mr. Brew has to fill up the backgrounds. These will consist of the "Bungalow of a Bull-frog, or Glow-worm Glade by Moonlight;" "Vale of Dreams in Shadow land"—the ballet scene; then the "Bedchamber of Old King Cole;" and "Mousetrap Hall," in which the whole stage is converted into a gigantic mouse-trap, in which is enclosed the Princess Magenta, changed into a mouse by the Demon Hag. "Banbury Cross" is the next scene, in which a grand tournament, in honour of Anthony Rowley's coming, will be burlesqued with basket horses, and at which Anthony Rowley will be defeated by Ride-a-Cockhorse. After the transformation scene, composed of peacocks' feathers and brilliants—no doubt to be rendered sublime by the lime-light, and one step from it by the actors—Anthony Rowley, in crossing the brook, will be gobbed up by the "lily-white duck," and his ghost will appear to make apology to the happy couple, the Princess and Ride-a-Cockhorse, for the troubles he has caused them.

The ridiculousness and absurdity of the subjects, plots, and scenes of a pantomime are so glaring, that perhaps some may at first glance be disposed to think all art excluded from connection with them. But a moment's reflection will convince of the error of such an idea. The artist has real solid work to do. His scenes do not a joke, do not talk, neither tumble nor laugh. They are what even in his wildest imaginings constantly give the seemingness of reality to everything in the performance. And an unusual characteristic in the forthcoming pantomimes that strikes one forcibly, is the increased amount of really delineative scenery that is introduced. At Astley's this promises to be a most marked feature, the "Tabard Inn" scene being an actual attempt to realize—it may be in pantomimic fashion—Corbould's famous picture; and we learn that it will involve some three hundred performers and numerous horses, with costumes and trappings that it is intended shall be "correct." There is some art even in caricature, and we shall doubtless not be disappointed in finding something worth looking for in the forthcoming pantomimes.

THE Marquis of Bristol has recently presented to the National Portrait Gallery a full length portrait of his ancestor, Lord John Hervey, Keeper of the Privy Seal to George II.

HER MAJESTY has commissioned Mr. Perry, the wood-carver, to execute for her a second bust of Shakespeare from a piece of Herne's oak.

THE Lord Chief Baron of the Exchequer has accepted office as a Vice-President of the National Shakespeare Committee.

SCIENCE.

GUN-COTTON FOR WAR PURPOSES.

A DEPUTATION of the British Association, consisting of General Sabine, Mr. Hopkins, Mr. F. Galton, Professors A. W. Williamson and Miller, Dr. Gladstone, and Mr. Scott Russell, presented last week to Earl de Grey, at the War Office, the printed Report of the Gun-Cotton Committee appointed by that institution, and as we hear that his lordship proposes the formation of an official committee of military, naval, and scientific men, the principal particulars of this Report will not be uninteresting. Since the invention of gun-cotton by Professor Schönbein of Basle, attention has been many times turned to its application to warlike purposes, and many trials and experiments have been made, especially by the French Government; but such difficulties presented themselves that the idea was abandoned everywhere but in Austria, and from time to time accounts reached us of its partial adoption in the military service of that country, although no information was afforded as to the mode in which the difficulties had been overcome, or the extent to which the attempts had been successful. Such was the state of things when the British Association Committee undertook their voluntary labours; but during their progress they have been put in possession of the fullest details by Mr. Abel, the chemist of our War Department, by permission of the Secretary of State for War, and by Baron von Lenk, Major-General of the Austrian Artillery, and the inventor of the system by which gun-cotton is made practically available for warlike purposes. At the request of the Committee, and with the sanction of the Emperor, the Baron has visited this country for the purpose of thoroughly explaining his system, bringing with him drawings and samples from the Imperial factory. Professor Frankland also has communicated the results of his experiments. Upon the information thus communicated the present Report, which must however be regarded as only preliminary, is founded. The consideration of the subject is divided into sections—the chemical and the mechanical. In the chemical considerations are included the manufacture of the gun-cotton itself and the answers to such questions as refer to its liability to deterioration by keeping, the possibility of its spontaneous decomposition, and the nature and effects of the products into which it is resolved by explosion. As to the chemical nature of Baron Lenk's gun-cotton, it differs from that generally made in its complete conversion into a uniform chemical compound. All chemists know that when cotton is treated with mixtures of strong nitric and sulphuric acids, compounds may be obtained varying considerably in composition, though they all contain the elements of the nitric acid, and are more or less explosive. The most complete of these combinations is that described by Mr. Hadow as $C_{16}H_{21}(9NO_4)O_{30}$, which is identical with that termed by Austrian chemists Tri-nitro-cellulose, or $C_{16}H_{21}(3NO_4)O_{30}$. This is of no use whatever for making collodion; but it is Baron Lenk's gun-cotton, and he secures its production by the perfect cleansing and drying of the cotton before its immersion in the strongest acids obtainable in commerce; then steeping it in a fresh strong mixture of acids after its first immersion and partial conversion, and continuing the steeping for two days. The gun-cotton so produced is purified from every trace of free acid by being washed in a stream of water for several weeks. The prolonged continuance of these processes, although at first sight it may appear superfluous, is in reality essential, for each cotton fibre is a long narrow tube, often twisted and even doubled up, and into the farthest extremities of these minute tubes the acid has to soak, and again to be washed out of them. Hence the necessity of time, and it is mainly from the want of these precautions that the gun-cotton experimented upon by the French gave irregular and unsatisfactory results.

Upon the evidence before the Committee this highest nitro-compound when thoroughly free from acid is believed to be not liable to some of the objections which have been urged against the ordinary gun-cottons. The advantages expected to be derived from its use are, that being of uniform composition, the force of the gases generated on explosion may be accurately estimated; that it will not ignite until raised to a temperature of at least 277° Fahr.—a heat which does not occur unless artificially produced, by means which would equally cause the ignition of gunpowder itself; that it is almost absolutely free from ash when exploded in a confined space; and that it has very marked superiority in stability over other forms of gun-cotton, has been kept unaltered for fifteen years, and is not liable to that spontaneous decomposition which renders the lower products worthless after a short time. There are some reasons, however, for suspecting that even the gun-cotton produced at the Imperial factory suffers a gradual deterioration, especially when exposed to the sunlight. The details of the process of manufacture at Hirtenberg are given at length in Mr. Abel's report, in General Lenk's replies to the Committee's questions, and in the patent taken out by Mr. T. W. Gray in 1862. The course of proceedings recently adopted at the Royal gunpowder works at Waltham is given in Mr. Abel's communication to the Committee.

Of the subsequent process of silicating the gun-cotton, or the coating of it with silex or flint, by means of a solution of silicate of potash, or, as it is more commonly called, "water-glass," Mr. Abel and the Austrian chemists think slightly of it; but Baron Lenk believes the amount of silica set free on the cotton by the carbonic acid of the atmosphere is really of service in retarding combustion. Much apprehension, too, has been felt about the

effect of the gases produced by the gun-cotton. It was stated that the nitrous fumes would corrode the gun, while the gaseous prussic acid would poison the artillermen. Although it is true that from some kinds of gun-cotton, or by some methods of decomposition, those gases may be produced, the results of the explosion of Austrian gun-cotton without access of air have been found by M. Karolyi to contain neither, but to consist of nitrogen, carbonic acid, carbonic oxide, water, and a little hydrogen—products which are comparatively harmless. Moreover, it is distinctly in evidence that the gun is practically less injured by repeated charges of gun-cotton than by the like number of firings with gunpowder; while the men in the casemates suffer less from its fumes.

If it seem a disadvantage that it explodes at a lower temperature than gunpowder, it has a set-off in the diminished risk of manufacture, the gun-cotton being always immersed in liquid until its final drying; and it may even be stored in water, and only dried in small quantities when required for use. In fact, that gun-cotton is not injured by damp or wet like gunpowder is one of its recommendations; but its still more important chemical advantages are, that it is perfectly resolved into gases on explosion, so that no smoke obscures the sight of the soldier who is firing, or indicates his whereabouts to the enemy; and that it leaves no residue in the gun to be got rid of before another charge is introduced.

At the outset of their inquiry into the mechanical effects of gun-cotton, the Committee found it difficult to believe that greater effects could be produced by a given volume of gases generated from gun-cotton than from an equal volume from gunpowder; but such, nevertheless, appears to be the case. This important difference is partly due to the fact, that in gunpowder there is great waste, and in gun-cotton no waste at all. Not only in gunpowder is there a waste of 68 per cent. of its weight, but this waste impairs the efficacy of the remaining 32 per cent., which does the mechanical work of throwing the shot.

Another peculiar feature of gun-cotton is that it can be exploded in any quantity instantaneously. At one time this was considered its great fault; but General Lenk has discovered the means of giving it any velocity of explosion that is required, from one foot per second to one foot in the one-thousandth of a second, or instantaneously, by merely varying the mechanical arrangements under which it is used. Instantaneous explosion is employed, when it is required to act on the surrounding material; slow combustion, when manageable power is required, as in gunnery. In instantaneous explosion the greatest power is got, because all the gas is generated before motion commences; for this effect, absolute closeness of the chamber containing the gun-cotton is essential, because the first ignited gases must penetrate the whole mass, and this they can only do under pressure. But this need not be very great. Loose gun-cotton will produce little effect, and only slow combustion; but shut up in a barrel, instantaneous and powerful explosion takes place. If, on the other hand, gun-cotton has to produce mechanical work and not destruction of materials, it must be distributed and opened out to provide for its slower combustion, and in this state it can be made to act even more slowly than gunpowder. By critical experiments for artillery purposes, General Lenk finds that 11lb. of gun-cotton, occupying a cubic foot of space, produces a greater force than the 50lb. or 60lb. of gunpowder occupying the like space.

The mechanical structure of the cartridge is of high importance, as affecting its ignition. The Austrian gun-cotton is used in the form of thread or yarn, which is spun into circular webs of various diameters. These cut off into lengths, and enclosed in stiff cylinders of pasteboard, form the rifle cartridges. This webbing is also used for explosive shells, as it can be conveniently passed in through the neck in filling. Spun into ropes hollow in the centre is the form in which it is used for blasting, and the yarn is simply wound round a hollow wooden or paper bobbin in a spindle-like form for cartridges for great guns. The gun-cotton webbing is also enclosed in india-rubber tubes to form a match-line. If we consider now its advantages in actual service, we shall find them highly important. As 1 lb. of gun-cotton produces the effect of 3 lb. of gunpowder in artillery, this must be a material advantage in carriage; and as it may be wet with impunity, in case of fire the magazine may be wholly submerged. In firing it does not foul the piece, and Austrian practice has proved that a hundred rounds could be timed against thirty of gunpowder. Nor does the gun heat to any important extent. With a hundred rounds fired with a 6-pounder in thirty-four minutes, the gun was raised to 122° Fahr.; whilst a hundred rounds of gunpowder took a hundred minutes, and raised the temperature of the piece to such a degree that water instantly evaporated: the firing of the gunpowder in this experiment was therefore discontinued, but that of the gun-cotton was continued up to one hundred and eighty rounds without any inconvenience. It is difficult to explain the fact that the recoil with gun-cotton is less than with gun-powder, but so it is; its value being two-thirds, whilst the projectile force is equal. A lighter weight of gun can therefore be used without any disadvantage. In the explosion of shells there is an extraordinary difference, the shell being burst by gun-cotton into double the number of pieces that it would be by gunpowder; and there is also this peculiarity, that the stronger the shell the smaller the fragments into which it is broken.

While gun-cotton in artillery is 3 times as strong as gunpowder it is as 6 to 1 in blasting solid rock, and its power of splitting up the material can be regulated at will. A bag of gunpowder nailed to the gates of a fortress would blow them open; a bag of gun-cotton would not. If an ounce of gunpowder be exploded in a pair of

scales the balance is thrown down; with an equal quantity of gun-cotton the scale-pan is not depressed. Nevertheless a very few pounds of gun-cotton carried in the hand of a man would be sufficient to blow open very strong gates if he properly understood its nature. In a bag it would be harmless; exploded in a box it would shatter the gates to atoms. A small square box containing 25lb. flung down close to the palisades of a fortification would open a passage for troops, and in an actual experiment this quantity made a clean opening 9 feet wide through a row of palisades a foot in diameter and 8 feet high, driven 3 feet into the ground and backed by a second row 8 inches in diameter. On them three times the weight of gunpowder made no impression whatever, and only blackened the piles. Against bridges and under water it is equally effective. In Venice a barrel of 400 lb. placed near a sloop in 10 feet water at 18 feet distance shattered it to pieces and threw the fragments to a height of 400 feet.

Such are the main features of the Report, at the conclusion of which the Committee record^t their conviction that the subject has neither chemically nor mechanically received the thorough investigation it deserves. However interesting it may be to explain scientifically the singular contradiction of the effects produced by gunpowder and gun-cotton when employed to do the same kind of mechanical work, it is evident the Austrians have made great progress in the methods of manufacturing and the ways of using this important compound. And while spending our millions in the wish to possess the finest ships and the finest guns in the world, it will be singularly remiss if we do not provide ourselves also with the best powder. Some features in the explosion of gun-cotton are so important, that the proper consideration of the subject by our War Office authorities cannot be safely neglected.

MONEY AND COMMERCE.

THERE is a better feeling in City circles both with respect to the eventual course of financial affairs and also in connection with the termination of business at the end of the year. However, we must look for fluctuations and changes in relations, which will create some little anxiety for our progress; and it should be borne in mind that we have not yet ascertained the effect of the strain entailed by the late advance in the rates. It will not be before the new year that we shall be able to realise how trade has sustained the application of the screw, and up to March next we must be prepared for the consequences of those measures, however salutary they may have been supposed to be. No great good, it is said, can be accomplished without an attendant evil, and in this case it is to be feared that the evil will prejudicially affect the second and third class traders, whose means are never too redundant, and whose facilities for accommodation are comparatively limited.

The movements of the bullion markets on the Continent will be watched with interest, because, from sympathy with the state of things here and in Paris, the other localities are in a degree disturbed. We see this at St. Petersburg. A similar disarrangement is occurring at Hamburg; and Amsterdam and Berlin have not been without some kind of irritation. It is not probable, under these circumstances, when rates are tending upwards, that we shall experience any fall here; and fortunate shall we be if, with the engagements maturing at the end of this month, and the provision necessary for railway deposits, no further advance is made by the Bank authorities. The favourable feature within the last few days has been the tendency to take gold to the Bank; and should this continue only on a moderate scale, it will serve to revive confidence, even though it do not ultimately result in producing a diminution in the rates.

The market is, nevertheless, in such a fitful state, and this is so well appreciated by those who are moving in the City, that the changes between right and wrong, and *vice versa*, are distinct and rapid, so that it is almost impossible to pass through twenty-four hours with the same views. Where in the morning there appears every prospect of abundance, before the evening a sudden demand springs up, and the question then is whether the morrow will produce an alteration. So little does it take in the shape of actual orders for gold export, that if remittances of £250,000 were required, and the fact got wind, the pressure to provide against contingencies would probably swell up to £1,000,000, and the influence would be immediately adverse. The recent transmission of bullion direct to Marseilles by the Bank of France, although it was not a serious amount, and was imperatively required to fulfil orders for India, created apprehension for the instant, and it was said the council of that establishment would have to advance their quotation.

With the end of the year we shall be looking for a little stringency in completing ordinary arrangements. Whether this may not be aggravated by the amount of capital required for the railway deposits, and by the advance which has already ensued in the

terms of discount, remains to be seen. The railway deposits will be more than usually heavy, representing millions, and the race to secure them has in reality commenced, since they must be made good by the 15th proximo. If any immediate additional pressure is to be encountered, it will be stimulated by the competition entered into to complete these arrangements, which must soon be adjusted on the lines abandoned. It seems to be understood that many individuals will not be able to supply the funds, and therefore many of the schemes will have to fall through. The ordinary engagements now maturing will not excite any great uneasiness on their own individual account, because parties knowing that they had to make such provision have, in the majority of instances, taken "time by the forelock," and anticipated the event. Still, the conjoint operation of these causes will be felt in the course of the next fortnight, and may once more create a remarkable change in the position of the money market. The sole chance of relief—and that perhaps will come when it is least expected—is a reflux of coin from the provinces. At present, there is a satisfactory balance of gold going into the Bank, and if this continues it will increase the strength of the existing position of affairs.

While the money market exhibits a rather more tranquil appearance, the subsidence of activity at the Stock Exchange is producing difficulties. Within the last two or three days embarrassments have occurred there, but only among the speculative fraternity. The chief defaulter has been one of the largest operators in foreign stocks and shares within the whole circle of the three markets; but his suspension has not been attended with any discreditable circumstances, save what has arisen from a desire to stand to the last in hope of friends coming to the rescue. Although he was placed in jeopardy once before, he then escaped by paying 20s. in the pound; and now again, notwithstanding he has been knocked down with nearly £1,000,000 of stock on his account, his assets will, it is believed, realize about 15s. Till the late reaction in prices, he was one of the most fortunate dealers in the house, possessing the reputation of having obtained a very large fortune. The wheel, with the usual fickleness of the blind goddess, has gone at last in the contrary direction, and not having had the courage to "cut his loss," he has struggled, but without success, and has at last been overwhelmed. His companion in misfortune has also been in straits on a previous occasion, but his liabilities are so small that they will perhaps be speedily adjusted.

The late settlements in foreign stocks and shares, notwithstanding they did not include the enormous extent of bargains current on previous occasions, comprised the period of the drop in prices which followed the advance in the rate to 8 per cent. This was sharp, sudden, and decisive, and from that date there has been no recovery. The state of exhaustion in which quotations and business have been left, shows the effect of the check to speculation, and fortunate it is that the decline has not resulted in more wide-spread disaster. The public have, however, been so frequently warned of what must be the ultimate consequences of the pretended animation, that numbers took the hint in the spirit offered, and either retired with their profits or escaped with a *minimum* amount of damage.

It is to be hoped, if we get through the winter in a favourable manner, and have sufficient financial strength left to open a good spring campaign, that promoters and operators will generally, as a class, pursue a more quiet and modest course. They will have gathered during the past year vast stores of experience, and if they have not accumulated wealth, they will have obtained that information and advice which will stand them in good stead in their future career. Steady progress is invariably the best. They will have been taught a sound lesson, by the recent mutations in prices, of the folly of endeavouring to make haste in getting rich; for we are sure that had half the late activity been based on legitimate grounds, it would have produced larger and more solid returns than those which have ensued from the late great round of gambling.

THE Bank Directors on Thursday did not vary the rate of discount. A steady and fair demand has existed out of doors for accommodation at quotations varying from 7½ to 8 per cent. The principal brokers are well supplied, and the joint-stock banks seem desirous of extending advances.

THE amount withdrawn from the Bank on Thursday was only £17,000 for the Mauritius. Previously in the week the sum sent in was £347,000, and the amount taken out £30,000. The expectation is that further totals will go away, both to India, Egypt, and Brazil.

CONSOLS were a little firm at the last moment. For the account, January 7th, the price was 91 to 91½.

THE markets now generally present the appearance of the approach of the Christmas holidays. Everything quiet, and prices extremely languid. Turkish, 70 to 70½; Consolides, 46 to 46½; Greek, 25½ to 24; the coupons, 11½ to 12½; Spanish, passive, 32½ to 33.

CREDIT and Marine shares—at least the best of them—are all very well maintained.

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SUPPLEMENT TO THE LONDON REVIEW.

No. 181.—VOL. VII.]

SATURDAY, DECEMBER 19, 1863.

[GRATIS.

THE COURT-MARTIAL ON LIEUTENANT-COLONEL CRAWLEY.

WE give in this Supplement a *verbatim* report of Colonel Crawley's address before the Court-martial on Thursday.

On that day, the twentieth the proceedings have occupied, the Court was soon crowded. The enormous number of applications for tickets of admission had rendered special arrangements necessary for increasing the accommodation. The body of the room below the President's table, formerly set apart for the general public, was fitted up with numbered seats, a great portion of which were occupied by ladies, and the remainder by general and staff officers, with a few distinguished civilians. The upper end of the hall was likewise devoted to female visitors, who seemingly took the greatest interest in the inquiry. Amongst the audience were Lord Chelmsford, Colonel M'Murdo, Colonel Luard, and Sir W. Hayter.

The Court having been formed, Colonel Crawley, before proceeding with his defence, read the address made by him to the officers of the 6th Dragoons on the 2d March, 1863, when he was about to proceed to Bombay on a short leave of absence. In effect, it counselled that a strong and unanimous effort should be made by all to obliterate the differences and disunion that unfortunately prevailed, and stated that the lieutenant-colonel would feel it his duty to set the example in following the recommendation of Sir W. Mansfield. Colonel Crawley then, by permission of the Court, and with the consent of the official prosecutor, put in extracts from the Court-martial books of the regiment, verified by himself (the books themselves not being obtainable), showing that a smaller number of Courts-martial had taken place, proportionately, since he held the command of the 6th Dragoons than at any time before. Having done this and having intimated that he would call evidence to character afterwards, he proceeded to read his address.

COLONEL CRAWLEY'S ADDRESS.

At last, Sir—at last—the hour has arrived when I am permitted to speak in my own defence. It might be supposed that for an officer who has the honour to command a regiment second to none in her Majesty's service, who has received such testimony of approval from those under whom he has had the honour to serve as that to which you have lately listened—it might have been supposed, I say, that the day upon which such a man was arraigned as a prisoner before this tribunal would have been to him one of bitter humiliation and unmixed regret. Strange, indeed, must have been the combination of circumstances, and cruel the caprice of fortune by which to me, who for thirty years have faithfully served my country and my Queen, the prospect of this trial has been that to which alone for many a dreary month I have been able to look forward with comfort and satisfaction. I speak in the presence of men—of men of honour—and of gentlemen, who are capable of appreciating that which I have so long had to endure. To have been for months the mark of public scorn and the object of popular execration; to have known that my name had become a byword and a disgrace in the remotest corners of that country which it was my pride and my pleasure to serve in distant lands, where in dangerous climates I daily perilled a life held upon no tenure but that of England's need; to have felt that I had been made hateful to men of my own nation whom I had never known, and that Englishwomen I had never seen heard my name with horror; to have become in those English homes whose good esteem is the great reward of a soldier's arduous and ill-requited life, a proverb of cruelty, cowardice, meanness, and falsehood,—to know this, and to know that it is false, is an existence which might have been endurable to the monster I am supposed to be, but which, being what I am, has all but crushed me beneath the overwhelming sense of unredressed injustice. If any of those in whose presence I now speak should ever know—which God forbid—the bitterness of such a life, they will then understand that nothing can enable a man to bear up under so great a load of misery but the consciousness of his own innocence and the hope of a fair trial. Up to this time I have kept silence, though

I was assailed by calumnies of the foulest kind, spread abroad by every artifice of unscrupulous enemies, who have found others to repeat them, either knowing that they were false, or—what is little less culpable,—not caring to learn whether they were true. What answer I have had to give I have given to my military superiors—the only tribunal to which a soldier is accountable, or before whom he is at liberty to plead. I, for one, whatever I may have suffered, or whatever I may yet have to suffer, have resolved not to make the discipline of Her Majesty's army a topic of newspaper recrimination. I, therefore, held my peace till I was commanded by those who alone had the right to uncloset my lips. I have endured too much from the efforts I have made in teaching others the lesson of subordination to permit myself to transgress the first duty of a soldier,—that of military obedience. How in the dark and dreary night of calumny and wrong have I longed for the day when the truth might be legitimately known, and when the foul vapours of malice and falsehood would dissolve like a morning mist before the sun! Punishment, it is said, comes limping late behind, but, alas, I know by a terrible experience that justice, too, sometimes halts upon both its feet. In the darkest hour of calumny the thought of this trial has sustained and comforted me, for with it I knew my deliverance must arrive. I have yearned even for this painful remedy, as the man suffering under some foul corroding disease welcomes the knife which is at length to restore him to health and to life. But, Sir, will it be believed that the insatiable malice of my enemies has grudged me even this tardy but inevitable redress? Can it be credited that in England, a country proverbial for its love of fairness and for its humanity even to crime, an open and deliberate attempt should have been made on the eve of a judicial investigation to deprive the prisoner of the chances of a fair trial? Yet so it is. The seeds of calumny and falsehood had been sown broadcast in the furrows of the press, and the rank crop had fructified under the congenial influences of credulity and spite. But none knew better than the authors of this superstructure of mendacity how little it was capable of bearing the test of a fair investigation. It was necessary therefore to the accomplishment of their ends to poison, if it might be, the fountains of justice, and to pervert, if not to intimidate, the tribunals which were sworn to administer the truth. I have spoken of my enemies; their existence will not be doubted, for their malevolence and their activity sufficiently reveal their presence. They are of two classes, different in the motives which inspire their malignity, but unanimous in their desire to accomplish my destruction. The first are those whom it became my painful but paramount duty on the discharge of my military functions to punish or reprove—men whose long and obstinate habits of insubordination had taught to regard with hatred those who controlled their passions and punished their delinquencies. You have seen them before you; you may judge the spirit by which they are actuated, and the end to which their evidence and their prevarications have been directed. To those men my ruin is necessary, because it is only upon my ruin that they can re-establish the characters they have forfeited. But I have another class of enemies whom you have not seen, but whom, not the less, you have heard; less direct in their animosity, but far more powerful for mischief by their abilities. These are the self-constituted social hangmen who execute their unlovely office without the formality of a trial or the sanction of a sentence—men who, from a jealous and envious temperament of mind, seem to have a natural and incurable aversion to everything and to everybody that is anywhere placed in authority. Do not suppose that I intend to disparage or condemn the liberty of a free press—the pride and the safeguard of a free people. I speak only of those who licentiously abuse an unlimited power. I speak of the anonymous libellers who, like an unwholesome vermin, infest our social body, and burrowing into the healthy flesh, themselves create the sores on which they feed and fatten. I do not flatter myself that however bitter may be their attacks they have thought me worthy of their personal hatred. I know that they fly at higher game than a simple colonel of dragoons. They find in me only an accidental instrument for attacking a system they dislike, and subverting an authority they abhor. To that object truth is sacrificed and justice is outraged. I am neither the

first, nor shall I probably be the last, victim of a system of detraction which seeks by the ruin of individual reputations to accomplish a scheme for the transfer of the control of the British Army from the authority of the Crown to a self-appointed board of anonymous writers. For the particular individuals whom it may be necessary to sacrifice for this object they care as little, I know, as any secret revolutionary tribunal ever did for the wretches it dismissed unheard to the scaffold, or handed over uncondemned to the fury of the mob. Their end is the destruction of military discipline, and for that object they are not likely to stick at the ruin of personal reputations far more considerable than mine. But, on this occasion, it seems to me that their sagacity has been inferior to their ability. They have miscalculated the extent to which popular prejudice may be worked upon. They have forgotten that, in the most careless minds, the sentiment of justice and of fair play is never wholly extinguished. When it was known that I was to be brought to trial, even those who had been the loudest in their cries for vengeance were shamed into silence. The justice they had demanded was about to be awarded, and decency required that they should at least appear to wait in patience for judgment. Such was the sentiment of all right-feeling men. And I desire here to acknowledge the sense of fairness and justice by which in this respect, since my trial has been announced, the conduct of the respectable portion of the English press has been governed. But this did not meet the views of my relentless assailants. They were loth to lose the vantage-ground of slander, on which they had so long triumphed unresisted. They demanded that I should be tried in England. I suppose because the English military administration in India is either unwilling or unable to dispense justice. If it be so, indeed, the sooner the Indian Empire is abandoned the better. Or was it because they thought that they could here more successfully bring the arts of popular intimidation to bear against me? Well, Sir, I was to be tried to England. To me, so long as I had a fair trial—which I knew I should anywhere have—it signified little where the Court might sit. But the last thing my enemies were disposed to tolerate was that I should have a fair trial. They have spared no pains; they have hesitated at no artifices, to insure my condemnation before I could be heard. The evidence to be taken on this trial has been forestalled, the constitution of the Court before which I was to be arraigned has been attacked. Nay, so alarmed were they lest justice should demand my acquittal that they have denounced by anticipation the tribunal which should dare to absolve me. They may be—nay, they are—gifted with great abilities, but there are some things they do not know, or which in their perverse malignity they cannot understand. They might have learnt from simpler minds that there is a point at which injustice defeats itself, and malevolence unwillingly ministers to the cause of charity. They have forgotten, if they ever knew, that however much the minds of Englishmen may be warped by prejudice or perverted by misrepresentation, there is no criminal, however heinous, whom they will willingly see defrauded of fair play. I pass from this revolting theme. It has left upon the honour of English literature a stain which time will with difficulty efface. It is a transaction which, as I believe it to be without precedent, so I am sure it will be without imitators. Upon the authors of such an outrage I desire no other judgment than that which the indignation of their countrymen has already passed. As for me, Sir, I have no cause to complain of such proceedings. Nay, from the bottom of my heart I have to thank these accusers, who have laid bare the spirit by which they are actuated, and the profound distrust they entertain of the merits of their cause. To be tried was all I desired. To be fairly tried was a right of which I knew that the malice of my enemies would be impotent to deprive me. The same reason which makes them distrust the tribunal before which I stand, is that which causes me to submit myself with eagerness to its judgment. I am an old soldier. I know Courts-martial well. They are the judges which a guilty man has most reason to fear, and which an innocent man has most cause to welcome. Here I know the voice of prejudice will have no force, the influences of popular passion and private malignity will be unfelt. A soldier desires no better than to be tried by his peers. And I plead, at last, with inexpressible satisfaction and relief before a tribunal which knows by habit what are the duties of an officer, and by instinct what are the feelings of a gentleman. Have I not a right to say, even at this stage of the proceedings, that the day of my trial was to be that of my deliverance? Are not the very charges upon which I am arraigned in themselves an acquittal upon the greater part of the odious crimes which have been laid at my door? Let us examine precisely how this matter stands, for an exact understanding of it is essential to my complete vindication. An outcry has been raised out of doors that the charges brought against me are too limited in their character, and that I am not put on my trial for the real pith and substance of the offences which are imputed to me. Sir, that may or may not be true. I am not the author of the imputations, nor am I the framer of the charges. If they are too limited that is my misfortune—it is certainly not my fault. I have respectfully requested, I have entreated, I have supplicated, that those charges should be enlarged in order that the whole of the matters of which I have been accused should be

put in issue, and that so I might be allowed to prove in evidence and put on record the complete and satisfactory answer to them all with which I am prepared. That request has been denied me. It is not for me to complain of that denial. I am bound to believe that it is done upon good and sufficient reasons, and I bow with submission to that authority to which I owe implicit obedience. But if I am refused the supreme satisfaction of meeting face to face my accusers upon the thousand falsehoods which calumny has heaped upon my head, at least no right-thinking, no just-judging man will deny me the benefit of that complete exculpation which such a refusal carries with it. It has happened to but few men on this side the grave to have had their conduct and character canvassed as mine has been, with every disposition to lay bare and to magnify its delinquencies and its shortcomings. Every act of my life, every word I have spoken, has been ransacked and noted down. Nay, the expression of my countenance has been criticized, and the secret motives of my inmost heart have been interpreted. When, then, I was put on my trial, I had a right to demand that the whole of my character and conduct should be investigated, in order that if I am guilty I should be justly condemned, but if I am innocent I should be completely absolved. This is so obviously just that no one will impute to the authorities by whom I am put on my trial that they could have refused to listen to so reasonable a request. They have had my conduct before them in all its details; they have heard the charges against me; they have heard also the explanations I had to offer. Some things they have thought required that further investigation which this Court is now conducting. Upon all the rest which is not before you they have been so completely satisfied that they did not think it right to call upon me for any further answer, or even to yield to my urgency for an opportunity of offering any further or more public justification. A man who under such circumstances stands upon his public trial has a right to say to his accusers, "Speak now, or hereafter for ever hold your peace." He has a right to say, "Charge me with what you please, charge me with what you can, but, in the name of common justice and common honesty, do not keep in reserve charges which you will not advance so that I may meet them, and which you will not retract so that I may have the advantage of their withdrawal." Before, then, I proceed to reply to the specific charges upon which I am arraigned, I am sure that the Court will not deny me the late but solid satisfaction of registering the acquittal which may be considered as already affirmed upon all the points on which I am not now called in question. The Court may be assured that I am not going into any detail upon matters which are not immediately before them. Nevertheless, in common justice to a man who has been so grievously assailed, they will permit me to note a few of the offences of which I have been publicly accused, but of which by the very terms of this indictment I am now tacitly pronounced not guilty. In the first place, I have been accused of harsh language, overbearing conduct, and improper demeanour towards the officers and non-commissioned officers under my command, tending to the disquiet of my regiment and the injury of the service. If this had been true it was a high military misdemeanour, and I might—I will venture to say I ought—to have been charged with it. Why am I not charged with it? Have I not a right to conclude—have I not a right to demand that others shall conclude—that upon due investigation those who have brought me to trial upon other matters found that there was no sort of foundation for these accusations? Again, I have been accused of base, malicious, mean, false, and tyrannical behaviour in the matter of the Mhow Court-martial. Is that true? If it is, why am I not charged with it now, in order that, if I am guilty, I may be punished, but if I am innocent, I may be absolved? Sir, I say there is, and there can be, no other possible reason why I am not allowed to answer such a charge, except it be that those whose business it has been to call me to an account have satisfied themselves that there is no ground for the imputation. It has been said that in the Mhow Court-martial I was guilty of persecution of the grossest character; that I perverted justice; that I intimidated witnesses; that I suborned evidence. Are such things, if they be true, not grave offences for which an officer ought to be tried, if there were even a *prima facie* case of suspicion against him? Are they not heinous crimes, if they were true? Are they not malignant libels, if they be false? In either case, ought a man in any position not to be either charged with them at once or acquitted of them altogether? And now I am come to the accusations which have been levelled against me—viz., the matter of the imprisonment of the three sergeant-majors,—and even here I may be permitted again to claim my acquittal on the substantial matter of which I have been publicly accused. It has been said and repeated, till I may say it has been universally believed, that I wickedly, cruelly, and unjustly caused three unoffending and deserving non-commissioned officers to be imprisoned, without evidence and without justification. Have I done so? Is this, then, no offence? It is said to be an act directly and flagrantly in contravention of the Articles of War. Then, why am I not charged with it, in order that I may be either condemned or acquitted of so grievous an offence? Mark! there were three sergeant-majors arrested—placed in close arrest—in an arrest of a precisely similar kind; all upon the same evidence and for the same reasons. With respect to two of them

my conduct is not questioned in these charges. With respect to the third the propriety of his arrest is not controverted. It is to me a matter of deep regret that the authorities who have framed these charges have not been able to find even such a *prima facie* case for calling in question this transaction as would permit me to explain and to justify it. From the shape which these charges have taken I am precluded from tendering evidence on the matter. I wish to God I could. I would then undertake to satisfy you why it was that General Farrell ordered that arrest, why Sir W. Mansfield confirmed, and why Sir Hugh Rose approved it; why the Judge-Advocate-General in India pronounced it altogether unimpeachable; and why, now, after the matter has been sifted to the bottom, the highest military authorities, by not calling me or any one else in question for it, have given it their final sanction. Sir, it is enough for me that those who do know the facts, and the necessity from which the apparent severity of the act arose, are satisfied of its justice and propriety. Those who, not knowing the facts, choose, in the face of such authority, to condemn me are persons whose judgment I can afford to despise. Nor let it be supposed, for one single instant, that in this matter I am base or cowardly enough to seek shelter myself under the cover of superior orders. I am proud of the approval of those distinguished officers, but I do not wish to decline one tittle of my share of the responsibility for an act which was mine no less than theirs. It is true I could not have done otherwise if I would. But it is equally true I would not have done otherwise if I could. I am prepared, if I were only permitted to do so, to justify my acts, as my superiors I know are persistent in the assertion of their approval; but when I am charged with personal vindictiveness and individual malice against these sergeants I have a right to rely on the authority of officers who are beyond the reach of such imputations. If I owed a grudge to Sergeant-Major Lilley, did General Farrell, did Sir W. Mansfield, did Sir Hugh Rose share so wicked and despicable a sentiment? If I was harsh, tyrannical, oppressive in my conduct towards these sergeants, do these epithets apply to the Commander of the Mhow Division, to the Commander of the Army of the Presidency of Bombay, or the Commander-in-Chief of the Army of India? If so, why have they not been suspended from their posts? Why are they not at this moment standing at the bar of this tribunal? But if officers such as these were capable, upon precisely the same evidence and for exactly the same reasons, of arriving at the conclusion that the course which I adopted was justifiable and right, I think I have some reason to claim that those who are not acquainted with the facts of the case should, in candour, allow that my act does not deserve to be condemned. It is impossible for me to vouch the sanction of these great names without paying to them the public tribute of my gratitude and admiration. It is in the hour of danger, and the crisis of misfortune, that a subordinate officer who has dared to do his duty learns to value and esteem the superiors on whom he can rely. No man who has had the honour to serve under Sir Hugh Rose or Sir W. Mansfield can say that they ever betrayed him. Fortunate, Sir, are the officers who have the honour to serve under such chiefs, and fatal will be the day when the British army has to look to any other source for judgment on its acts than the censure or approval of its military superiors. Fatal, indeed, will be the result when officers serving the Queen in distant lands shall have to look, not to their own consciousness of right—not to their own sense of duty—not to the orders of those under whose authority they are placed, but to the ephemeral ideas of what is falsely called public opinion, but which, in fact, is nothing more than the ignorant judgment of ill-informed and irresponsible writers, by whose denunciations or applause their fortune or their disgrace is to be decided. Then, Sir, no man in authority will dare to do his duty, for he will feel that he is at the mercy of interested calumniators, setting in motion the treacherous engines of anonymous slander. There is no fear that under such men as Sir H. Rose and Sir W. Mansfield such a system should be inaugurated. They know well what is necessary to the discipline of the English army and to the maintenance of the Indian Empire. They know that the dominions of the Queen in Hindostan are held by a military tenure, and that the basis of that military tenure is military discipline. They have seen one mutiny, and they have quelled it. They know out of what beginnings that dire cataclysm burst forth. They know how the dykes of discipline were broken down, and the flood of mutiny overwhelmed us unawares. It began by pampering the insubordination of non-commissioned officers, and it ended in those scenes of dread and horror which are commemorated on the stones which cover the well of Cawnpore. Men who have witnessed such a calamity are not likely to be careless of the symptoms which herald another. Those who have charge of a powder magazine do not look at sparks with indifference. They know that in such cases an early severity is the truest mercy, and they punish the first signs of insubordination with strictness in order that they may not have finally to suppress mutiny with bloodshed. Close arrest may be a severe measure, but it is better than blowing your soldiers from the guns. Ignorant and irresponsible writers may criticize their acts and calumniate their policy; but we know that those who clamour against the severity of Mansfield are the self-same men who denounced the

clemency of Canning. We know that it is the short-sighted and the panic-stricken who, acting on momentary impulses, are lax in the hour of security, only to become cruel in the instant of danger. It is they alone who have the wisdom to be severe in time who will have the courage to be merciful when severity can be safely dispensed with. Sir, to the full and proper understanding of this transaction it is most material and relevant—as, indeed, the Court has deliberately decided—to understand what was the condition of the 6th Dragoons at the time when these events took place. My justification, and that of those under whose authority I acted, consists in this—that the regiment at the time of the Court-martial on Mr. Smales and of the arrest of the three sergeant-majors was in a state of insubordination, as respects the officers and non-commissioned officers, of the most dangerous character. That which I could have proved if I had been permitted, now that I am debarred of the means of proof I will take upon me to assert. What the condition of that regiment was when it came into my hands I would, had I been allowed, have demonstrated out of the letter to Colonel Shute. I would have proved it out of Sir H. Rose's historical memoir of the 6th Dragoons. But, Sir, even in the absence of this most material document, I am not wholly without the means of satisfying you, to some extent, of that which I should have been glad more fully to have demonstrated. In the course of this weary inquiry you have had some means of judging of the materials with which I had to deal, and the difficulties I had to encounter. You will judge by your own eyes, you will judge by your own ears—above all, you will judge as officers and gentlemen, by that inborn sense of honour which is more conclusive than reasoning, and more irresistible than logic. I speak to a body of men many of whom are, all of whom have been, commanding officers. You have seen some of my officers. You have seen, you have heard enough, I think, of the men who have so comported themselves in a course of justice to judge of what must have been my situation on the parade and in the mess-room. I ask you, after what you have seen, to place yourselves as commanding officers in my position, and to judge me as you would in like circumstances yourselves claim to be judged. But then it will be said that this was my doing, and that I made these men what they are. Sir, if this be true, then there is no sentence too severe, there is no punishment too heavy, for you to inflict upon me. I shall deserve it all. But was this my doing? Just look at a transaction—for which I am certainly not responsible—which took place only a week or two before I joined the 6th Dragoons. I have proved it in evidence out of the mouth of Captain Weir. You will find it recorded, I think, at page 175 of the Blue-book. What does the Court think of the condition of a regiment in which such a business as this was possible? If they agree, as I think they will, with Sir W. Mansfield, "that such conduct cuts at the root of all discipline, and renders officers guilty of it liable to a court-martial," then they will be able to form some opinion of the nature of the position in which I was placed, and the character of the men with whom I had to deal; they will be able to judge of the amount of the support which I required in doing my duty, and which I received from Sir H. Rose and Sir W. Mansfield. If such things were done in the green tree, what were likely to be done in the dry? If an inspecting brigadier was treated in this manner, what was likely to be the fate of a new commanding officer who should attempt to do his duty, and to enforce discipline among such men? Sir, after this I think I can dispense with the production of confidential reports and confidential memoranda. Men do not arrive at such a pitch of insubordination in an instant. It can only be the result of long-continued demoralization. I think you will have no difficulty in judging for yourselves what must have been the opinion recorded by his Royal Highness the Commander-in-Chief upon the state of a regiment in which such transactions were publicly taking place. Whoever else it was, Sir, it is clear it was not I who educated these officers in their ideas of what was due to military discipline and to the authority of the superiors by whom they might happen to be reprimanded. These were not officers of my teaching any more than Mr. Fitzsimon was an adjutant of my choosing. You will readily believe that when disaffection has become chronic among the officers it is not long before the infection begins to spread among those immediately below them, who ought to look up to them as an example. Of all forms of insubordination, that which descends from above into the ranks is the most fatal and incurable. Those who ought to be safeguards against mutiny are become themselves its propagators. What lesson do you think the sergeants of the regiment were likely to learn from such instructors? Insubordinate officers naturally seek allies against their colonel by tampering with the non-commissioned officers of the regiment. The regimental sergeant-major and the two other sergeant-majors had been successfully enlisted by the cabal in conspiring to overthrow my authority. The body of the regiment, it is true, was still sound. The discipline of the troops was intact. But the crisis had arrived, the danger was imminent; one step more and the flame might have kindled in the ranks, and the famous regiment of the Inniskilling Dragoons would have broken out into open mutiny. Sir, I took those measures which such a condition of things seemed to me to require. I knew what was my duty, and I did it without fear

and without favour. How rapidly the process of deterioration of discipline takes place in a regiment under the influence of tropical climates and tropical habits no one who has not experienced Indian military life can form any conception. The measures which are necessary to enforce discipline elsewhere are there ten times more necessary. I may be permitted to quote on this subject the language of a great civilian who knew India well :—“A strong line of demarcation must be drawn between soldiers and the rest of the community. They must be subject to a sharper code, and to a more stringent form of procedure, than are administered by the ordinary tribunals. For of all maladies incident to the body politic military insubordination is that which requires the most prompt and drastic remedies.” These are the true and striking words of Lord Macaulay. I acted on these principles with that instant, necessary, and justifiable severity which, in my firm belief, alone prevented a great catastrophe. In a position of unexampled difficulty, I acted with a prudence and a circumspection in which I have nothing to regret. I took the course which wisdom dictated and the rules of the service prescribed. I did nothing on my own unassisted judgment. I consulted at once my military superiors. I took evidence, as you have heard, from credible witnesses, and from the culprits themselves. I took it in my orderly room in the presence of the adjutant and two other officers. I wish I could lay that evidence before you, as I laid it before General Farrell, who submitted it to Sir W. Mansfield. From that moment I deferred to their judgment, which I unfeignedly knew to be better than my own, and I acted in strict accordance with their directions, not more from a sense of military duty than from a profound confidence in their superior wisdom. I was ready at the time—I was always ready to have proceeded to the trial of these men. If they were not tried it was none of my doing. If the question of the propriety of that arrest and the justice of the decision of my superiors with reference to it is not now tried, that again is none of my doing. I am ready—I always have been ready and anxious to try it. Sir, the question which lies at the root of this whole matter is the question of mutiny or no mutiny. That is the key to the whole business, and you are asked to unlock the mystery while the key is withheld from you. Sir, again, that is no doing of mine. I would have laid before you the evidence which I laid before my immediate superiors, and upon my conscience I know that that evidence would have satisfied you, as it abundantly satisfied them. Then you would have been in a position to pronounce upon the real merits of the case. You would have been able by your sentence to have satisfied a nation, whose judgment has been perverted by falsehood and blinded by calumny, that nothing has been done either by me or by those whose approval I have earned which was not consistent with justice and essential to discipline, which was not necessary to maintain the organization of the English army, and therein to maintain the integrity of the Indian Empire. If, Sir, this wider and more real issue is not presented for your immediate adjudication I deeply regret it; that it is not is, as you know, no fault of mine. And now, Sir, I come specifically to consider the two charges on which I am here arraigned, and on which you are asked to pronounce your sentence. The first charge is “for conduct unbecoming an officer and a gentleman, and to the prejudice of good order and military discipline in having caused the order for the close arrest of Regimental Sergeant-Major Lilley to be carried into effect with unnecessary and undue severity, whereby the said sergeant-major and his wife were subjected to great and grievous hardships.” At the commencement of this inquiry I complained of the vagueness of the language of this charge and the absence of any specific statement of the acts in which the unnecessary and undue severity alleged against me were supposed to consist, or in what particulars Sergeant-Major Lilley and his wife were subjected to great and grievous hardships; and I protest that, after the close of an investigation extending over 18 days, I am just as much at a loss as I was on the first day of the trial to know what it is of which the prosecution under this charge now intend to accuse me. The great objection to this loose and inaccurate manner of proceeding is that it is difficult for the Court to determine what is relevant to an inquiry which the prosecution have failed to define, and it is impossible for the prisoner to ascertain with certainty what he has to meet. But now that the evidence for the Crown is concluded, I accept the charge in all its generality, and I shall ask you with confidence whether, with all the latitude the prosecution have allowed themselves, they have established by proof anything which, assuming the propriety of the close arrest, can be called unnecessary and undue severity, or whether they have succeeded in making out a case of “great and grievous hardship.” And now, on the very threshold of this question, I must ask your attention (though I am confident it has not escaped you) to the importance of distinguishing between that which is and that which is not involved in this charge. The propriety and justice of the close arrest are not in issue. That is admitted. The order was for close arrest, which close arrest was further defined as being such an arrest as should prevent the prisoners having communication with any one out of doors. The words of General Farrell in his letter of April 28 are these :—“Meanwhile the verbal instructions given to you on the 26th are that you were to keep the Regimental Sergeant-Major Lilley and Troop

Sergeant-Majors Wakefield and Duval in close arrest, under sentries, and to forbid any one to have access to them except under your express permission.” This order was confirmed by Sir William Mansfield in his letters Nos. 1,374, 1,375, of the date of May 6, with the further express and peremptory orders that the prisoners were in no case to be released until the proceedings in the Court-martial upon Mr. Smales were entirely closed. Sir W. Mansfield’s instructions were that when that period arrived, if further evidence was procured, the prisoners were to be tried; but if the matter stood as at the time of the arrest they were to be released from confinement, and Sergeant-Major Lilley was in consequence of his misconduct to be removed from his position as regimental sergeant-major. These were the orders under which I acted; and now let me proceed to examine how these orders were carried out. I have no fear lest this Court should commit the error so prevalent among unreasoning and inconsiderate persons out of doors of confounding the question of the manner of carrying out the arrest with the gratuitous assumption that the prisoner ought never to have been arrested at all. The case for the prosecution, no less than that for the defence, upon this charge, in assuming the lawfulness of the arrest, asserts the guilt of the prisoners; and therefore, as I am not charged with the illegality of the arrest, I am entitled to assume such a guilt in the prisoner as justified the orders on which I acted. I notice this now only to point out that the whole of the argument upon this charge depends upon that position. Well, then, Sir, starting from the guilt of the prisoners and the justifiability of the arrest, I proceed to deal with the charge of excessive severity. Now, it is necessary that I should at this point come to a distinct understanding with the prosecution as to what they mean by undue and unnecessary severity. Close arrest is necessarily severe; it is equally unavoidable that it should be a hardship. But whose fault is it that the prisoner should be exposed to severity and hardship, except his own, in having so conducted himself as to deserve such treatment? What is the proposition of the prosecution? Is it that a man of plethoric habits, who happens to be married, and whose wife may chance to be sick, cannot be subjected to the same military discipline as others? Because, if so, the sooner such men leave the army the better. In the execution of the same sentence some men will suffer more than others. And this is a consequence which is inevitable in the administration of justice, whether it be military or civil. This case has been treated as one of peculiar military barbarity. But I must be permitted to ask in what respect the execution of military law differs in this respect from that of civil sentences. Does a judge in passing a sentence, or the officer of justice in executing it, take into account the circumstances of an offender’s personal position in determining the measure of punishment to be inflicted upon him? Does he ask, what is his habit of body, or what is the exercise he is used to? Does he inquire whether he has a wife, and if she is sick? Or does he take into consideration the injury which his family may endure from the incarceration of the offender? But not even to put a criminal case. Suppose Sergeant-Major Lilley had not been a soldier guilty of a grave military offence, but had been a civilian who had happened to be what is ordinarily called “unfortunate”—*i.e.*, who could not pay his debts. Suppose an execution had been issued, and the bed had been sold under his sick wife, who was carried off to die in the workhouse while the husband was confined to the debtor’s gaol, where, under the combined effect of his “sedentary habits, his painful position, the sickness of his wife, and his predisposition to congestion” (I borrow the diagnosis of Surgeon Turnbull), he sickened and died. If this had happened—as in England it may happen, and too often happens—would the judge who authorized the execution, would the sheriff who carried it out, be put upon his trial for the consequences of such a proceeding? And yet, Sir, who will deny that the arrest was severe, and that the hardships were great and grievous? Two men will be sentenced for the same offence to the same punishment. The one will be a man of strong health, of callous heart, with no ties social or domestic, without feeling, without remorse, and he is imprisoned, we will say, for three months or three years. The other may be a man of previously spotless character, in a high and respected position, tending, it may be, the bed of a sick and dying wife, the sole support of a large family, whose ruin is consequent on his disgrace. His health may be feeble, his susceptibilities fine, his anguish deep, his remorse constant. To the first man his punishment may be a trifle; to the second it may be death. But I ask whether, in passing judgment on these two men, the Chief Justice of England would make the difference of a hair’s breadth between their sentences? I ask, would the Sovereign herself—the fountain of mercy—be advised to release the one without pardoning the other? Equality of sentence for similar offences is the rule both of civil and military tribunals. Equality of operation upon the offender is beyond the reach of human justice. If it were practicable, it would not be desirable; for among all the preventives of crime there is none more powerful or more indispensable than the sense that our misconduct will inevitably bring retribution not upon ourselves alone, but upon those who are near and dear to us. It is they who have most to lose and most to suffer who give the greatest pledges to society for their good conduct, and who justly suffer most if they forfeit those pledges, because they have sinned against the

greatest warnings. I arrested three sergeant-majors for the same misconduct upon the same evidence, and they were all subject to the same restraint. The justice of that arrest is not controverted with reference to any of them upon these charges. If, then, I had executed the arrest with equal rigour to all, no complaint could have been made in one case which was not equally applicable to the others. Why, then, is that which in the case of Sergeant-Majors Wakefield and Duval is not called in question made a subject of accusation in that of Sergeant-Major Lilley? "Officer or soldier, married or single, duty must be done." That is the principle of military law. If I never said so before, I say so now. "Prince or peasant, married or single, justice must be executed." That is the principle of civil justice. Without the one, military discipline is impossible; without the other, civil society cannot subsist. These being the principles of action applicable to such a case, let us see what was actually done. I think it will appear that if anything is to be laid to my charge it is rather an excess of leniency than an exaggeration of severity. Of the three prisoners confined, two were placed in an arrest equally strict, with this aggravation of their punishment—that being single men their confinement was solitary. If upon the receipt of the orders from my superiors I had sent Mrs. Lilley to the female hospital, and had placed Sergeant-Major Lilley under the same arrest as that in which the two other sergeant-majors were confined, who could have said that I had exceeded my orders? But I knew the circumstances of the case, and I deliberately abstained from exercising a severity which seemed to me extreme and unnecessary. In one of the letters put in evidence from Surgeon Turnbull, he states as a reason for not supplying hospital comforts to Mrs. Lilley that she was occupying superior quarters, and was unwilling to go into hospital. I was unwilling to deprive her of the consolation of her husband's society, even in his disgrace. I had no desire to inflict upon him the additional punishment of separation from his wife. I thought that the spirit of my orders might be carried out without resort to such a measure, and I endeavoured to do so. If I had thought it indispensable for the purpose of discipline to separate Sergeant-Major Lilley from his wife, it would have been my duty to do it. I thought that other precautions might dispense with this necessity, and I therefore did not press it. But is it not a strange thing that, while I am not accused of the measures which in their operation proved more rigorous towards two of the three prisoners, I should be charged with excessive severity towards the one who in fact was treated with greater leniency than the rest? This is an example of juridical logic which I leave to the prosecution to explain and to justify. The Court exhausted the whole argument in the question they put to Mr. Fitzsimon when they asked, "Is it customary to make any difference in the mode of carrying out the arrest or confinement of married or single officers, or non-commissioned officers, or privates, in the 6th Dragoons?" The witness was obliged to say it was not. And I should be glad to hear from the prosecution, or any one else, in what regiment such a distinction exists, or on what principle it can be defended. For these reasons I might if I chose demand that this question should be discussed just as if Sergeant-Major Lilley had not been a married man, just as if his wife had not been sick, just as, in fact, in a civil case, the matter would have been treated, when the private circumstances of the prisoner would not have been inquired into, and when no evidence on the subject would have been admitted either in bar of judgment or in mitigation of the sentence. But, Sir, it is not necessary for me to rely on such a position, and I do not rely upon it. I did what no civil court would or could have done—I did, as far as I thought compatible with the execution of my duty (perhaps somewhat beyond it), take the circumstances of Sergeant-Major Lilley into consideration. Whether the indulgence I extended to him did not practically defeat the object of his arrest and the orders I had received, is a matter which I think is somewhat more than doubtful. My orders were—the object of the arrest was—to prevent communication between the prisoner and persons outside. It is clear from the evidence that, in the teeth of all the precautions that were taken, he did communicate in spite of his arrest. How was it done? I did not, I would not separate him from his sick wife. The servants were searched for letters and papers. I could not expose Mrs. Lilley to such an indignity. She visited her friends, she went about the barracks, she was, as Sergeant-Major Cotton tells you, frequently at his wife's quarters. And Mr. Smales was able to boast to his clerk that, in spite of the regimental orders, in spite of the sentries, in spite of the close arrest, he communicated with Sergeant-Major Lilley every day. Sir, I think that it is just possible that upon this occasion Mr. Smales told the truth. But if it is conceivable he should have done so, then the offence with which I am justly chargeable is, not that of excessive severity, but of inexcusable laxity in the execution of the orders I had received. But then it may be said, however just the arrest may have been, I was actuated by some special malice in its execution. Was that so? If so, where is the evidence of it? I was in constant communication with Major Champion on the subject; he failed to discover any signs of such a feeling. You have had the correspondence which passed on the subject of the pulling down of Sergeant-Major Lilley's bungalow and the new quarters

which were to be assigned to him. Does that bear the brand of malignity? But, Sir, I will prove this out of the mouth of a witness who will not be suspected of partiality to me, and who, speaking against his will, may perhaps be treated as the witness of truth—I mean Mr. Fitzsimon. He admits that the first order given by me on the 26th of April for the arrest of the sergeant-majors was such an order as inflicted no unnecessary annoyance on Sergeant-Major Lilley. It is true, Mr. Fitzsimon resolutely declines to draw the inference that the man who gave such an order did not desire to inflict that inconvenience which his order did not in effect produce. But I think the common sense of those who are not actuated by the same motives as those which govern Mr. Fitzsimon will hardly fail to lead them to such a conclusion. One point more on the subject of malice. You have heard that the first suggestion of a release of the prisoners, or a relaxation of the arrest, came from me. It was made by me almost before Sergeant-Major Lilley's illness, and, as has been proved, long before I could have known he was ill. Does that look like malice? But now, to examine a little in detail what are the allegations, or supposed allegations, of undue severity and grievous hardship. First and foremost stands the place of confinement. I don't think on this subject I need trouble you at much length. Throughout the United Kingdom I think you would find it difficult now to discover a man who would confess to having ever believed in the "bomb-proof oven," the "Black Hole of Calcutta," and the "hold of a slave-ship." To do the prosecution justice, the very first witness they called, who produced the models, disposed of this part of the case. I should be ashamed to waste your time by talking of the first bungalow. The second was not as good. But Major Swindley, a witness who perhaps on such a point may be trusted, says that it was as good as that of his own sergeant-major. And Sergeant-Major Garraway, who, as the former and subsequent occupier of the quarters, may be considered a better judge than Major Swindley, says it was cooler than the other quarters occupied by non-commissioned officers of a similar rank. And I think, Sir, I must be speaking in the presence of many officers of rank who many a time, like Sir Hugh Rose and Major Champion, would have envied even the second quarters of Sergeant-Major Lilley. Surgeon Turnbull has endeavoured to convey to you the impression that until the 18th of May Sergeant-Major Lilley was not permitted the use of the verandah. Like most of the statements of Surgeon Turnbull, that statement is not consistent with the truth or with the evidence. Mr. Fitzsimon has admitted that there was no order at any time which excluded prisoners from the use of the verandah. You will find from the evidence of Andrews, James, and Miller, that in the first bungalow Sergeant-Major Lilley was constantly in the verandah with his wife. And M'Kee distinctly swears that in the second bungalow he had seen Sergeant-Major Lilley in the verandah before May 14. Now, if this be so, as he moved into the second bungalow on the 12th of May, he must have had the use of the verandah from the commencement. You will have to make up your minds whether you believe Surgeon Turnbull or Private M'Kee, and I think, when you look at the difference between the statements on this subject made by Surgeon Turnbull on the 4th of July, 1863, in his written answers to my questions, and that which he has made here in his examination-in-chief, you will have little difficulty in deciding to which of the two witnesses you will give credit. But even if what Surgeon Turnbull has sworn were true, whose fault was it that Sergeant-Major Lilley was debarred of the use of the verandah? He says he frequently visited him, though he cautiously abstains from saying how often, before the 18th of May, in the second bungalow. Why, then, did he recommend the use of the verandah on May 18—why did not he recommend it before? He can give no explanation of this dilemma. I think, Sir, you will probably find it in the fact that the whole statement is a fabrication. I think, then, I may dismiss the subject of the quarters as one of the disproved heads of great and grievous hardship. Mr. Fitzsimon, I think, is the only witness who has ventured even to suggest that they were injurious to health; and his knowledge of the matter is so accurate that, "to the best of his recollection"—his favourite phrase—he says the second bungalow was bomb-proof. If it had been, which it was not, bomb-proof, it would have been all the better. A bomb-proof roof covered with grass is the best possible protection against heat, and for that reason it is the construction which is everywhere employed for ice-houses. The second bungalow, though not bomb-proof, was kept cool by a false ceiling of linen, which was used to improve the appearance of the place, and also promoted a draught of air; and the windows were furnished with kuskus tatties, or wet mats, which are used in India to keep down the temperature. It had a curtain across the middle of the large room, which practically converted it into a sitting-room and a bedroom. And although almost all the sentries, and especially the servant of the former occupiers of the room, expressly prove the existence and use of this curtain, Dr. Barnett is unable to remember it—a circumstance which seems to throw considerable doubt either on the accuracy of his recollection or the candour of his testimony. Such was the "Black Hole of Calcutta" in which Sergeant-Major Lilley and his wife were confined, or rather in which Sergeant-Major Lilley was confined, for his wife

enjoyed a perfect liberty to go where she pleased, which she freely exercised during the whole period of his arrest. There is one point connected with this matter which I ought to notice; I mean the evidence of Quartermaster Woodin. He has endeavoured to produce the impression on your minds that there were better quarters of a suitable kind which Sergeant-Major Lilley might have had if I could have permitted it. I shall have at a later stage to call your attention to the peculiarities of that excellent memory of which Quartermaster Woodin is so proud. But with reference to the two other quarters which Mr. Woodin says he proposed to me, it is obvious on his own showing that they were entirely incompatible with the objects of the arrest of Sergeant-Major Lilley. The one was placed at a distance from the guard-room, and, as it were, in the very jaws of Mr. Smales. The other was separated from numerous other persons only by a slight partition six feet high, and open at the top. I can hardly conceive that Quartermaster Woodin's good sense would ever have permitted him to make to me so absurd a proposition. If he had ever done so, I should have certainly rejected it at once: first, because it would have entirely defeated the orders I had received; secondly, because the married quarters would not have been as comfortable as those ultimately assigned to Sergeant-Major Lilley. The remarks I have made on the subject of the verandah are equally applicable to the subject of the exercise of the prisoners. You saw how Surgeon Turnbull flinched on that question. If the exercise was insufficient in amount or improper in quality, when did he remonstrate? and if he never remonstrated, why did he not? Well, Sir, what is the next head of "great and grievous hardship?" Next to the "bomb-proof oven," I think the greatest prominence has been given to the indignities said to have been suffered by Mrs. Lilley. "All the functions of nature were performed by the dying woman in the presence of strange men." I don't know that this ought not to have been ranked as the first. There is something so unmanly and so cowardly in the infliction of wanton indignity and unnecessary inconvenience upon a sick and defenceless woman, that the bare suggestion of such an act fires the indignation of every generous heart. My enemies knew this well enough; and it is because they knew it that they have drugged the public mind with the falsehoods which they knew to be the most poisonous and the most deadly in their ingredients. But now the time is come when they are dragged to the light, and they are called upon to substantiate upon their oath the slanders they have secretly spread abroad. What attempt has been made, I ask, upon the part of the witnesses for the prosecution to establish this malignant charge? We have had the hypothesis of Mr. Fitzsimon as to what must have happened, but whose extreme delicacy prevented him inquiring what actually occurred. We have had the defiant insinuations of Major Swindley. We have had the hypothetical diagnosis of Surgeon Turnbull, of the case of a patient whom he did not attend during his life, but upon whom he lavishes his posthumous sympathy. But where—where, I ask, is the witness who speaks to any act of hardship, to any instance of indignity? It will be my duty upon the second charge to examine more particularly the orders which were given and the manner in which they were executed. Upon this part of the case I need not detain you with any minute examination of the evidence. The evidence is all one way. You have seen a spectacle injurious indeed to the character of English officers—hurtful to the habits of English discipline—but wholesome at least in the victory it has given to truth and the defeat it has inflicted on falsehood. You have seen above 100 non-commissioned officers and privates who have come on their oaths to disprove the slanders levelled against their colonel by half a dozen officers who have sought to insinuate what they dared not assert. You have seen the officers who have testified against me. What is your judgment upon them it is not for me to anticipate. But, Sir, you have also seen my men, who, though called by the prosecution, were in fact the principal witnesses for the defence. What you think of them I will venture to affirm. There is not—I know there is not—a commanding officer now within the four walls of this court-house who does not envy the colonel of the 6th Dragoons the troops he has the honour to command. Forgive me, Sir! You have heard in evidence the feelings which those troops exhibited at Mhow towards their disgraced and dishonoured chief. Forgive me if now that that dishonour is wiped out, and that disgrace is about to be reversed, I permit myself to express what I feel to the soldiers whom I love and by whom I am beloved. Sir, do you suppose these fine fellows did not think the suggestion of indignity to Mrs. Lilley an imputation on their honour no less than mine? Is there any man here present, after what he has heard in this room, who would not trust the charge of a sick and suffering woman to the manly good sense and the highbred feelings of the youngest private of the 6th Dragoons, rather than he would leave it to the tender mercies of the delicacy of Mr. Fitzsimon? What sergeant, what corporal, what private of the Inniskillings was capable of placing on the orders he received the odious and indecent interpretation which these officers have endeavoured to fix upon them? Where is the sentry who was within two feet of Mrs. Lilley's bed? Why have the prosecution not produced him? They could not find him because he never existed. An attempt was made—it is true not a very fortunate one—to retrieve the fortunes of a collapsing

case. An unhappy defaulter named Gaffney was dragged from his prison to testify to his own shame in the hope that he might contribute to my disgrace. And what, after all, was the story of this choice witness? It seems he was in the office-room No. 2, when Sergeant-Major Lilley "asked him to do him a kindness, to go outside the bungalow and out of the room while his wife undressed, as he wanted to rub soap liniment into her breast." Why Sergeant-Major Lilly desired that this operation should be performed in the office-room rather than in the bedroom does not appear, nor is it very material. It was enough that he wished the sentry to withdraw, and he did withdraw accordingly, as he says, "outside the bungalow." Singular harshness! extraordinary severity! And then the prosecution asks, with emphasis, "What did you smell when you returned?" They got the reply, I suppose, they expected. The sentry did not see the women, but he smelt the liniment when he came back. And this is the indignity to Mrs. Lilley! And this is the be-all and the end-all of the famous liniment story of Mr. Fitzsimon. If the case were not too serious for a joke, it would be impossible not to laugh at such pitiful evidence. I think for all that he has done to aid the ease of the prosecution they might have left Private Gaffney, with advantage to the obscurity of his prison. Mr. Fitzsimon says his orders left him no discretion. Private Gaffney, however, seems to have been of a different opinion, and, poor fellow, in spite of his failings, he exercised it with consideration and delicacy. But I had almost forgotten the man who saw Mrs. Lilley in her nightdress. You remember how the question was put, and how the Court was left to infer that the sentry had voluntarily and unnecessarily intruded on the privacy of Mrs. Lilley. I do the prosecution the justice to believe that they did not know the true facts of this case, otherwise the fairness which distinguishes their conduct would not have allowed them so to leave the matter. You, however, know what really happened,—how Mrs. Lilley, in the agony of her husband's mortal struggle, when no doctor was by to aid her in this last extremity, called upon the sentry, who was her only resource. These are moments when modesty is not so much forgotten as superseded, and the presence of the sentry was not an outrage, but a succour. Mr. Barnett, indeed, has endeavoured to make you believe that, because when standing by the head of Mrs. Lilley's bed he could sometimes see the head of the sentry through the top of the chick, the sentry in the place in which he was posted could therefore see Mrs. Lilley. All the sentries distinctly disprove this suggestion. And the argument is just this—that because a man who looks through a keyhole can see persons in the next room, therefore they also can see him. But the truth is, that to any man of common sense the story of the indignities to Mrs. Lilley is branded with falsehood on its face. If the sentry was close, too, to the door, why was not the bed removed to another part of the room? If the chick was transparent, why was it not lined with a more opaque material? If the sentries followed Sergeant-Major Lilley with an inconvenient curiosity into his wife's bedroom, why did not he always sleep, as it is proved he frequently did, in another room? Does any man believe that if Sergeant-Major Lilley thought his sick wife was suffering inconvenience he would not at once have taken these simple and effectual precautions to prevent it? In this very room where the sentries were sometimes posted the orderly troop sergeants were night and day coming and going up to the moment of the arrest of Sergeant-Major Lilley. And yet Mr. Fitzsimon refrained from entering the house out of delicacy to Mrs. Lilley! Mr. Fitzsimon has unwittingly given us the exact measure of the inconvenience caused to Mrs. Lilley by the sentries. He says, and, if you believe anything he says, you must believe this too, that it was less than would have been caused by a single visit of his own to the house in the daytime. I accept his definition, and I ask whether this is what is called in the charge "a great and grievous hardship?" But, then, it will be asked, what was the meaning of the complaint made by Sergeant-Major Lilley at the Mhow Court-martial? Sir, I think you will find that the evidence of Private Atkins, who was examined on December 2, explains completely the whole affair. It appears that on some day previous to the 7th of May Sergeant-Major Lilley made some complaint to the sentry. Of what character that complaint was we do not exactly know. That complaint ought to have been and would have been reported, and the cause of complaint removed, but for the following circumstances, to which I ask your special attention. These are the exact words of the witness's evidence:—

"Did you report that complaint?—No, Sir. State why you did not?—He (*i.e.*, Sergeant-Major Lilley) wished me not. He said he was going to the court himself in a few days, and he would complain. I asked him if I should do so to the sergeant of the guard, and he said no."

Now, Sir, was the sentry within two feet of his wife's bed, and did he, when he was offered the certain redress which the complaint if reported would have procured, deliberately intend to leave his wife for a "few days" exposed to such an indignity in order that he might the better parade the complaint in open court? If that complaint had even been true, what should we think of the man who thus sacrificed his wife to his revenge? This would have been an obvious remark, even if the prosecu-

tion had been able to show that any such circumstance had ever occurred. But now that they have ransacked the regiment, and it is proved beyond all manner of doubt that no sentry was ever in any position that outraged Mrs. Lilley, what are we to think of this statement and the object with which it was made? Mark, Sir, the complaint was not volunteered in court by Sergeant-Major Lilley. It was elicited by a prepared and deliberate question put by Mr. Smales to the witness. How came Mr. Smales to know of it? How came he thus to lead his witness? Does not this show conclusively that the arrest, which is supposed to have been so unnecessarily severe, was in effect so lax as to be inoperative? Is not the matter clear now beyond all reasonable doubt that, in spite of the close arrest, the questions and answers were concocted between Mr. Smales and Sergeant-Major Lilley, and this statement, which had no foundation in fact, was produced in open court in order to dishonour my reputation, and, if possible, to bring about my ruin? Sir, the plot was a clever one. I do not do Sergeant-Major Lilley the injustice to attribute to him the invention of a project of which I am sure he was only the tool. It was a plot which was cunningly contrived and which served its turn for a time, but, like all cunning contrivances, it is found out at last. And now I come to the last head of hardship to which the evidence of the prosecution has been pointed, and which it is therefore necessary that I should notice. This is in all respects the most painful part of the case with which I am called upon to deal. The question of the habits and the character of Sergeant-Major Lilley is one which the Court have pronounced to be irrelevant to this issue. In fact, Sir, no one who has read the charges could arrive at any other conclusion. For what purpose the prosecution who framed these charges have directed a principal part of their evidence to a matter with which they have nothing to do is a thing which, from the first to the last, has been wholly unintelligible to me. They called witness after witness to depose to nothing else except the general good character of Sergeant-Major Lilley. I made no objection, though it obviously had nothing whatever to do with the charges, and this evidence had nothing to do with the case. I did not choose to object to that which was simply immaterial. I took the course proper with reference to such evidence, and I abstained to notice or to cross-examine upon it. But, when it came to the medical evidence, and when a distinct attempt was made upon the part of the doctors and of the prosecution to hold me responsible for the death of Sergeant-Major Lilley on the ground of his special temperance, there arose an issue which I was bound to meet, and I accepted, as I was obliged, a challenge which was forced upon me. I shall deal with this matter now as I dealt with it in the evidence. With the general character of Sergeant-Major Lilley these charges have nothing to do. If this had been a material issue, I think you have heard enough to know that you were in possession of only half the case. If the "Historical Memoirs" of Sir H. Rose had been produced, you would have been in possession of information which is at present withheld from you. But I am thankful to say it has nothing whatever to do with the present inquiry, and I am spared the necessity of pursuing it. The course that the prosecution have adopted shall not induce me to depart a hair's-breadth from the line on which I resolved from the commencement—viz., to treat the habits of Sergeant-Major Lilley as exclusively a part of the medical question. They have sought to build up a case against me by accumulating irrelevant testimony to the excellence of Sergeant-Major Lilley's character. I shall leave them undisturbed in possession of all the advantage they expect to derive from it. My only reply shall be this:—If Sergeant-Major Lilley had been the most perfect of created beings, if he had been the model of all the non-commissioned officers that ever existed, and yet had upon this occasion been guilty of a grave act of insubordination (and this the prosecution do not deny), it was my duty to punish him for it; and the better the man the worse the example, and therefore the more necessary the punishment. And with that remark I leave the question of the general character of Sergeant-Major Lilley. But, Sir, when it is sought, upon the testimony of the doctors, to fix me with a personal liability for the death of Sergeant-Major Lilley, it becomes necessary for me to demonstrate the whole truth of the case which they have sedulously laboured to conceal. Look at the evidence of these two surgeons. I call them two, for I could not bring myself to cross-examine, and I cannot now trouble myself to notice, the half-caste apothecary who is brought across half the globe to repeat like a parrot the garbled diagnosis of Surgeon Turnbull. But look at the evidence of the surgeon and the assistant-surgeon of the Inniskilling Dragoons. The assistant-surgeon is called upon to give to this Court an account of the causes of the death of Sergeant-Major Lilley. He produces a medical report, and puts in a *post-mortem* examination, but he was dismissed in the examination in chief without producing the *addendum* with which you are now so familiar, and without even noticing its contents. It is true that after his examination was concluded, Assistant-Surgeon Barnett the next morning was called back to guard himself by a saving clause. But still his examination in chief was finally concluded without producing to this court this most material document, and if it had not been in my possession the knowledge of its true contents would have been withheld from you altogether. Don't let it be supposed for a moment that I intend in this matter to cast any the slightest reflection on the

conduct of the prosecution, whose courtesy and fairness place them far above suspicion. I know, Sir,—of course I know,—that the witnesses who would have withheld this document from you must also have withheld it from them. For otherwise, by every rule of fairness which governs the conduct of this as of every other prosecution, they could not have produced to you the medical report without at the same time laying before you the *addendum* by which it was on the same day modified. They could no more have done this than they could have produced a letter of which they had torn off a postscript which changed the whole character of the letter they were about to put in evidence. These men must have been guilty of a double suppression. They kept back this document from the prosecution who called them; they would, if I had not extracted it from them, have withheld it from you. Their conduct in this court has been just what it was at Mhow; they have been compelled most reluctantly to confess the truth, and I think you will be of opinion that with all the pressure that has been put upon them they have even now told you only half the truth. Is it not plain Sir, beyond all manner of doubt, that there was on the part of Surgeon Turnbull at least, from the very commencement, a deliberate design, by a *suppressio veri* and a *suggestio falsi*, to saddle me with the personal responsibility for the death of this unfortunate man? Of all diseases to which flesh is heir, there is none more terrible in the rapidity of its course, none more inscrutable in its predisposing causes, than that frightful scourge of hot climates—heat-apoplexy. It is recorded in the work of Sir R. Martin that in 11 days in the city of Pekin 11,000 persons died of this disorder. I should like to have seen Dr. Turnbull's medical reports on the predisposing causes of these 11,000 cases either with or without the *addenda*. Surgeon Turnbull has dared to say that he applied to me, through Mr. Davies, for a coroner's inquest on the body of Sergeant-Major Lilley, and that I refused it. Mr. Davies has denied the statement. Sir, I deny it too. It is true I am not upon my oath, for I cannot be sworn. But you have heard, nay, what is more, you have seen, the evidence of Surgeon Turnbull, and I ask you to judge between us. Who ever heard of this demand for a coroner's inquest before? Where is there a trace of it to be found even amid the thousand falsehoods with which the libels against me have teemed? Surgeon Turnbull has been for the last 18 months on his defence before the Indian authorities, by whom his conduct has been censured. Where is the letter of Surgeon Turnbull in which such a circumstance, most material to his vindication and most injurious to me, is even suggested? If a coroner's inquest was demanded, was it done with Dr. Barnett's knowledge or assent? If so, why is he not asked to speak to it? In answer to a question from the Court, Surgeon Turnbull was compelled to admit that, numerous as were the cases of heat-apoplexy he had seen, he had never known of a coroner's inquest in any such case. Do you believe that he asked for one in this, or do you believe that not having asked for it he has come before this high court of justice, in pursuance of a deliberate scheme to destroy me, to make this malignant statement which had not a shadow of foundation in truth? Sir, the case for the prosecution on the medical part of the subject seems to be this—they say that the death of Sergeant-Major Lilley must have been due to the severity of his confinement, because there was no other assignable reason for it. If they had not chosen to assume this position, you would not have heard a syllable from me on the subject of the brandy. It is only in this point of view that the matter is in any respect material or relevant. Now, how stands the case? The prosecution endeavoured to make an attack upon the credit of the Parsee shopkeeper—an attack which I venture to think was not very successful. But, Sir, it is not necessary for me to rely upon Ardasseen, and I don't rely upon him. Expunge if you please the whole of his evidence, and I will prove all that I care to prove out of the mouth of the favourite witness of the prosecution, Assistant-Surgeon Barnett, whom they twice recalled, and would have gone on recalling every other day to the end of the chapter, without, I think, much mending their case. What occurred upon this matter will be fresh in your recollection. When Dr. Barnett was first cross-examined, he was asked of whom he made the inquiries which satisfied him that the information he had received from me as to the large consumption of spirits was correct. He said, "From the late Mrs. Lilley." I was quite satisfied with this answer. Though I was (as you know) willing and desirous at the time that he should state all that occurred, the prosecution allowed Dr. Barnett to go away without re-examination on this point. A few days afterwards they desired to recall him in order to explain away this evidence. I will not revert to a discussion which is now wholly immaterial. Dr. Barnett was recalled at the urgent instance of the prosecution, and I will read you two of the questions and answers, one put by me, the other by the Court:—

"You have stated that Colonel Crawley told you the deceased had 23 bottles of brandy, about 12 pints of ale, a bottle or two of port, and a bottle of gin. Do you mean to say that in your conversation with Mrs. Lilley she stated how much of this liquor had been consumed by the deceased himself?—I did not ascertain from Mrs. Lilley how much of the liquor he had consumed."

And then you, Sir, put this question:—"Were you satisfied, from what you heard from Mrs. Lilley, that Colonel Crawley's statement was correct?" and Dr. Barnett answers, "I was." This was a strange way, certainly, of removing what the prosecution considered the false impression produced by Dr. Barnett's evidence on the previous occasion. What exactly passed upon that occasion between Dr. Barnett and Mrs. Lilley I will venture to say you have not even now been told. The delicacy which stood so much in the way of Mr. Fitzsimon's performance of his duty as adjutant seems equally to have interfered with Dr. Barnett's performance of his duty as surgeon. And the Court will not fail to observe that in both cases this delicacy was most injurious to the person who was the special object of it. Just consider the object of this conversation, and the circumstances which led to it. The surgeons had made a report in which the death of Sergeant-Major Lilley was attributed to a particular cause. Their attention is called to a supposed excessive consumption of spirits by the deceased. They go, as is natural enough, to his wife to ascertain the facts. Mrs. Lilley makes to Assistant-Surgeon Barnett what he calls an "admission." Why an "admission" if there were nothing to admit. Dr. Barnett would have you believe that all that Mrs. Lilley said was that her husband had taken "some brandy and water or sodawater daily, but not so much as to do him harm." And then she added these remarkable words, "Do you think it did, sir?" And Dr. Barnett answered as every humane surgeon would (and for all the injury that Dr. Barnett has done me I do him the justice to say that he is a kind and a humane man)—Dr. Barnett said, "I hope not." Why did he not say, "I am sure it did not," except that the manner, if not the language of the unhappy wife, convinced him, as he says himself, that the information he had received was correct? If he had doubted any longer the correctness of the information; if he had thought Mrs. Lilley could have removed the impression it had created; not only delicacy, I think, but justice to the dead, would have required that he should give her the opportunity of defending her husband's memory from such a suspicion. But if he was completely satisfied, if everything he saw and heard convinced him that it was as he had been told, then I can perfectly understand why he shrunk from pressing Mrs. Lilley to go into detail as to that which she was most naturally unwilling to remember. See, then, what happens. The two surgeons most reluctantly make the *addendum* to their report, not upon my information, for they had refused to take any notice of that; and, as your experience will tell you, except for the purpose of setting inquiry on foot, they were not bound, nor even at liberty to act on my information, nor did they do so. They go to Mrs. Lilley, and immediately after make a report that the deceased, "during his arrest, consumed a considerable quantity of brandy daily." And now they would have you believe that all that Mrs. Lilley said was that he had "some brandy and sodawater or water every day." Is that true? Then, why did not they say so in their report? Why did not they say that it was this, and no more than this, which they found on inquiry to be correct? The very object of the inquiry was to ascertain whether there had been an excess of consumption of spirits by the deceased, and yet they would have you believe that upon such information as they now allege Mrs. Lilley to have given them, they sat down to pen the phrases which stand recorded in the *addendum*. The words of the *addendum* stare them in the face and contradict their evidence, and see how they endeavour to get rid of their own hostile witness. They say, for they are both in the same story, that they overlooked the fact that Mrs. Lilley consumed the whole or nearly the whole of the liquor herself, in consequence of her state of health. Overlooked the fact, Sir? What! The imputation being that in that house, and by her husband chiefly, if not entirely, a quantity of spirits, amounting to nearly a bottle a day, had been consumed, the wife herself overlooks the fact—the medical man in daily attendance upon her, who prescribed to her the brandy, overlooks the fact—that the whole or nearly the whole of the brandy had been consumed by Mrs. Lilley herself. Sir, if you can believe such a story as that, I give up all hopes of defending myself. Was not this the very point to which the minds of all these persons were specially directed? Was not the very first thing Mrs. Lilley would have said to Dr. Barnett, "Yes, Dr. Barnett, we had all that brandy, but you know how much I am obliged to take; that accounts for the consumption?" If Dr. Barnett had overlooked it before, could he have overlooked it then? If he had not thought of mentioning it to me in the first instance, would he not have told me of it when he came to draw up his *addendum*? Would he not have said to me, would he not have said to the superior authorities who had called for that report, "It is true so many bottles of brandy and of gin and of wine were consumed, but Mrs. Lilley, and not Sergeant-Major Lilley, consumed them"? And, as if to render the matter more conclusive, he tells you at the close of his evidence that during this very conversation they had the Parsee's bill before them. Did that bill refute the statement I had made? Then, why did Dr. Barnett say he found it to be correct on inquiry? Sir, I am sorry to speak with severity of Assistant-Surgeon Barnett. He is a man from whom I, and those who are dear to me, have in former days of trouble received much kindness, and for whom I had a great regard. But his conduct towards me in this matter has left me no alter-

native but to point out its inconsistency and its impropriety. He has been misled, I fully believe, by others to do that which his own good feeling would have condemned. But, Sir, this question of the brandy does not depend upon the admissions of Mrs. Lilley alone, nor upon the unwilling testimony of Dr. Barnett. You have had independent evidence on that subject—evidence which is open to no suspicion and which has not been questioned. What does Lance-Corporal Holman tell you? On the night of the 23rd of May, the night before the first symptoms of his illness appeared, Sergeant-Major Lilley takes a bottle of brandy from under the couch in the verandah out of a long boot. A man does not keep his wife's medicine in a long boot under his own bed. He asks the sentry to drink. It has been said that Sergeant-Major Lilley never complained to the sentries, because to have done so would have been a breach of military discipline. It seems it was not a breach of military discipline for a prisoner to invite the sentry to drink. The sentry refuses to drink and Sergeant-Major Lilley finished the bottle. Twice in the same guard he drinks the brandy. Holman was recalled, and he told you that while Sergeant-Major Lilley was drinking the brandy his wife remonstrated with him, and said, "My dear man, don't drink so much; it will only do you harm." And by the light of that remonstrance I think you will have no difficulty in concluding what it was that Mrs. Lilley on the 9th of June really told Dr. Barnett. Sir, it did do him harm, as Mrs. Lilley feared. No man in the hot weather in India, whether in confinement or at large, whether plethoric or spare in his habit, can thus drink with impunity. When Holman came back on duty next morning, Sergeant-Major Lilley complained of being ill. Assistant-Surgeon Barnett was sent for; evident symptoms of congestion had set in, a treatment of depletion was adopted. But what happens on the night of the 24th? Look at the evidence of Ewing. Between 12 and 2 o'clock in the morning this unhappy man, labouring under dangerous congestion, takes another wine-glass of brandy. In his then condition he might just as well have taken a glass of prussic acid, or of tincture of aconite. Almost immediately afterwards, as was inevitable, he is seized with a fatal apoplexy. No doctor was by him; indeed no doctor could have availed. But if there had been any chance of recovery, it was hopelessly precluded by what ensued. The sentries and the women—no doubt with the best intentions, but with the most fatal ignorance—repeat the deadly dose; they force open the mouth of the dying man, and pour more poison down his throat. And, Sir, the doctors come here to tell you that I am responsible for this man's death. Do you think that these circumstances of the closing scene are among those which Mrs. Lilley communicated to Dr. Barnett? If she did not, what is the value of his opinion? If she did, what is the value of his evidence? It has been said that Sergeant-Major Lilley took this brandy during his arrest owing to depression of spirits. But is a commanding officer responsible because a prisoner is depressed by a just punishment, or because he takes an excess of liquor in consequence? I have entered upon this matter with reluctance. It has been, I think, most unnecessarily forced upon me by the prosecution and by the doctors, and here I gladly leave it. I have been censured for my conduct by my superiors in not forwarding the *addendum* of Surgeon Turnbull, when it was subsequently sent in. I bow to the censure passed upon me. But, at least, if I committed an error it was an error, under the present circumstances, fortunate for me, because it shews conclusively that the *addendum* was their own act, and that it was not in any manner pressed upon or extorted from them by me. I have said, Sir, that the conduct and evidence of Surgeon Turnbull showed from the commencement a design to injure me, both by a *suppressio veri* and a *suggestio falsi*. Of the latter intention his conduct in the case of Sergeant-Major Wakefield furnishes indisputable proof. You remember the statement appended to the original medical case of Sergeant-Major Lilley, which set forth that "Troop Sergeant-Major Wakefield was admitted into hospital on the 25th of May with feverish symptoms and nervous excitement, and remained in hospital." You know what were the conclusions drawn by my enemies from this statement, and what were the imputations cast upon me in respect of it. Can you doubt that that statement was deliberately made for the purpose of inducing and supporting those imputations? Thirteen months afterwards Surgeon Turnbull is called upon to produce the official records on which that statement was based and where it ought to have been recorded. He brings me on June 27th, 1863, three hospital books, in which there is no sort of entry of any treatment whatever, or any admission of Sergeant-Major Wakefield into hospital on the 25th of May, which was the day of Sergeant-Major Lilley's death. On the day after—i.e., June 28—he sends in what purported to be a medical report of the case and its treatment on the 25th of May of the preceding year. You will understand my astonishment after what had passed the day before. I asked to see the entry from which this new report was taken, and I was shown one made on that very day, i.e., 13 months after the event. I asked from what *data* it had been made, and I was told of private memoranda. I asked where they were then. I asked where they were now. I have been able to get no answer to either. Surgeon Turnbull says he does not know where the private memoranda are. I dare to say, Sir, he does not. But, considering the charge which

I then made against him, considering that I took the interpolated hospital case-books from him, and, as he knew, sent them at once to the Commander-in-Chief, do you believe that if these private memoranda had ever existed you would not have seen them here? Do you think that any man outside a madhouse would have parted with or mislaid documents on which his character and his credit so essentially depended? Is it not plain, beyond all manner of doubt, that there never were any such memoranda, or, at least, that if there were they would have contradicted his evidence? And then subsequently another hospital case-book is produced with an entry verified by an erasure to sustain the credit of the case. Surgeon Turnbull says that he does not carry his official documents about in his pocket, but that he can get them. Well, Sir, on Friday, the 27th of November, he went home and had abundant opportunity to consult his official correspondence, to search for his private memoranda. He comes back on Monday, the 30th, into this court, but he comes without his memoranda and without his official correspondence. Don't you suppose that he consulted whether it would be of service to him to produce the documents, and that he was well advised not to bring them with him, and that the prosecution exercised a sound discretion in not attempting to re-examine him upon them? Sir W. Mansfield and Dr. Beatson, the inspector of hospitals in India, have seen that official correspondence; they have read the justification made for himself by Surgeon Turnbull, and you know what is the judgment they have passed on it. And if the blunt account given by one of the witnesses of the true cause of Sergeant-Major Wakefield's excitement be true, you will have no difficulty in appreciating the true character of the conduct of Surgeon Turnbull. Sir, this matter of the conduct of the surgeons towards their commanding officer is of such consequence to the discipline of the army and the reputation of others occupying a similar position with myself, that you will, I am sure, forgive the details into which I have thought it necessary to enter. It is superfluous to tell the Court what every military man knows, that in matters affecting the health of a prisoner the authority of the military surgeon is all but supreme. A commanding officer, if he wished, dares not disobey or disregard the recommendations of a surgeon. It is not only the right, but the bounden duty of a surgeon to exercise this control and vigilance. He is the appointed guardian who is placed by military authority to confine the severity of discipline within the limits of humanity. No surgeon who has been for an hour in the service can pretend to be ignorant that this is his special function. He is responsible for the health and the life of every soldier in the regiment, and if any punishment is inflicted by the colonel, or by any one else, which endangers either the one or the other, he has the power, and it is his duty, to oppose and to prevent it. If this is the case everywhere in the British army, it is especially so in India, where the danger of the climate makes sanitary precautions peculiarly necessary. Sir H. Rose here informed you that by his special instructions the power of the military surgeons in India to mitigate punishment is nearly unlimited. That being the state of the relations with reference to discipline of the commanding officer and the surgeons, I call your special attention to the evidence given by Assistant-Surgeon Barnett:—

"Do you consider that I was at all aware that the close arrest of Sergeant-Major Lilley was inflicting or likely to inflict fatal injury on his health?—I believe Colonel Crawley was not aware that the close arrest of Sergeant-Major Lilley was inflicting fatal injury on his health. Were you on intimate terms with me and my family during the arrest of the sergeant-majors; and were you daily and nightly in my house in consequence of illness in my family?—I was. Were you in almost hourly attendance on my wife and wife's mother at that time?—I was. Did you ever make any representation, official or unofficial, to me or to any member of my family on the subject of the injury that Sergeant-Major Lilley's health was undergoing or likely to undergo through the incarceration?—I never remember making any representation on the subject of Sergeant-Major Lilley to Colonel Crawley or to any member of Colonel Crawley's family. Did you ever make any representation or suggestion of any sort to me or Mrs. Crawley on the subject of annoyance to Mrs. Lilley, or injury to her health in consequence of the position of the sentries?—No, I never did. Are you of opinion from your experience of my conduct that I was always ready to carry out any suggestions of yours on such a subject?—I always found Colonel Crawley ready to carry out any suggestions that I made to him on any subject in reference to the sanitary condition of the regiment; but it was only in the absence of the surgeon that any representations came direct from me to Colonel Crawley, as a general rule. Did you ever suggest to or desire the surgeon to make any representation to me on the subject of the confinement of Sergeant-Major or Mrs. Lilley?—I cannot recollect that any special suggestions were made by me to Surgeon Turnbull in reference to Sergeant-Major Lilley or his wife; but I laid before him all the circumstances connected with the confinement of Sergeant-Major Lilley, and the inconvenience caused by the position of the sentry: I will also add that it was on my representation to Surgeon Turnbull that exercise was allowed to the three sergeant-majors on the 30th of April. Did Surgeon Turnbull to your knowledge ever make any representation to

me on the subject of the annoyance to Mrs. Lilley?—I am not aware that he ever did. Do you not know that he did not? and did he not tell you that he would not?—I believe that he did not. I have no recollection of his telling me that he would not. Are you of opinion, from what you know of me and my conduct, that if you or any one else had represented to me that the close arrest of Sergeant-Major Lilley would have proved fatal to him, precautions would have been taken to prevent that fatal event?—I have no doubt that if I or any one else had represented to Colonel Crawley that the arrest of Sergeant-Major Lilley would prove fatal to him, precautions would have been taken. Was the death of Sergeant-Major Lilley, under the circumstances, an event which any one would have anticipated?—No one could have anticipated such an event: I never did. How long before his death did you observe that his health had begun to be affected?—The sergeant-major was in his usual health the day before his death: I should more properly say the second day before his death, because he was one entire day ill, and died on the morning of the second day. Can you state how many hours before his death you first learnt he was unwell?—I saw him within an hour of the time I heard he was first unwell. How many hours before his death was that?—About twenty hours; about two o'clock in the morning I saw him, and he died at four the next morning. To your knowledge was any report made to me by you or any one else of his indisposition until he was dead?—No special report was made of his indisposition until he was dead; it was not usual to make a special report of the case when a man was taken ill during the day: when men are admitted into hospital after the regular hour of the morning visit they are shown in the report of the following morning. As far as you know, was any information conveyed to me by you or any one else that Sergeant-Major Lilley was ill until after he was dead?—None."

I think you will be of opinion upon the evidence that the confinement of Sergeant-Major Lilley was not to any appreciable degree the cause of his death. Assistant-Surgeon Barnett and Surgeon Turnbull, the first with readiness, the second with characteristic prevarication, admit that they did not anticipate it as the consequence of his arrest. They could not, they dared not say otherwise, because they knew that the next question must have been, "Then why did you not interfere?" I think you will be of opinion that in much that is most disgraceful in this matter there is nothing so disgraceful as this medical evidence. I can make much allowance for Dr. Barnett, though I think he grievously mistook his duty. But I know that as the subordinate of Dr. Turnbull he was in a most difficult and painful position. But what do you say to Surgeon Turnbull, a witness who has given such evidence for such an object? A surgeon who, if his own account were true, must have connived at a death which he might have prevented—who has made medical reports when he pleased, and sent in addenda only when he must—who has interpolated cases and erased dates—who has made his professional office minister to his personal hate—who has converted the art of healing into an engine of destruction, and has sought in a *post-mortem* examination of the dead an instrument for destroying the reputation of the living. And now, Sir, I come to the second charge. But before I consider the charge itself I must call your special attention to the very singular circumstances under which the charge comes to be made at all. The statement of which Mr. Fitzsimon complains in his speech was made in open court by me on June 7, 1862. Until November 3, 1862, Mr. Fitzsimon takes no sort of notice of that speech. He tells you he was absent when the speech was made. But the bosom friend of Mr. Smales wishes you to believe that though all the proceedings of the Mhow Court-martial were published week by week and several times a week in all the Indian papers, he never saw or heard of this statement directly affecting himself. I don't know, Sir, whether he has succeeded in persuading you of that. But that is not all. In the first week or ten days of September the sentence of the Court-martial and the remarks of Sir H. Rose, severely reflecting on his conduct, are published in all the newspapers, and still he hears and knows nothing about it. It is left for Quartermaster Woodin, of the excellent memory, I suppose, at once to inform him of it, and to compose a letter for him on the subject. Do not you think it possible that Mr. Fitzsimon, who forgets that he was censured by the Court-martial at Mhow for his evasive evidence, may also, by a similar lapse of memory, have forgotten that he knew all about my remarks upon him in June? Well, Sir, with the assistance of the quartermaster, he composes this letter of November 3. I had thought that there was no rule of the service more strict or more necessary than that all complaints of a subordinate against his superior should pass through that superior. But it seems that from what just happened I was mistaken in this idea. However that may be, last November Mr. Fitzsimon's letter, in the ordinary course of military procedure, was sent in to me in order that it might be forwarded to the Commander-in-Chief with my observations upon it. Accordingly, I wrote the letter of November 10, which has been proved in evidence; and in the regular course of things these two letters would have gone through General Farrell to Sir W. Mansfield. Unhappily for me, General Farrell, out of consideration for Lieutenant Fitzsimon, desired to give him an opportunity of withdrawing a

letter which he rightly considered was likely to lead to an inquiry which would be most injurious to Mr. Fitzsimon. I had no option but to obey, though I did so reluctantly. I sent for Mr. Fitzsimon, as you have heard, and, having read to him General Farrell's letter of November 21, asked him if he wished to withdraw or to proceed with his appeal. Captain Curtis has told you that, so far from pressing Mr. Fitzsimon to withdraw his letter, I expressly told him I had no wish he should do so, but should prefer myself that he should proceed with it. In this state of things Mr. Fitzsimon, with characteristic hesitation, asks time to consider. He retires, to consult, I suppose, with the quartermaster and his other allies, and announces to me in writing his determination to withdraw his letter. His first answer was couched in ambiguous language, of which General Farrell disapproved, and you will find in Major Champion's letter of the 21st November that it is specially pointed out to Mr. Fitzsimon that he is "to make the decision of his own free judgment;" and accordingly on the 22nd of November Mr. Fitzsimon writes a letter of unqualified and unconditional withdrawal. From that moment of course I thought, as, indeed, it struck the whole Court when this matter was first mentioned, there was an end of the whole affair. But the persons who imagined that have not properly appreciated the character of Mr. Fitzsimon. If that letter had gone in to the Commander-in-Chief accompanied by my comments upon it the inevitable consequence would have been a court of inquiry or a court-martial. When an adjutant comes in conflict with his colonel, according to military practice, it is certainly not usually the colonel who is tried in the first instance. It was left for the ingenuity of Mr. Fitzsimon to devise a method of introducing this military anomaly. What he wanted was to get in his statement against me in such a manner that my answer to it should not be heard, and, which is perhaps the strangest part of the whole matter, he has perfectly succeeded. The contrivance was judicious and admirably adapted to its end. He formally withdraws his appeal to the Commander-in-Chief in India, and so gets rid of my comments upon it. But the last thing in the world he intended was that it should be really withdrawn. The next thing we hear of the joint composition of the late adjutant and the quartermaster is that it has been forwarded by Mr. Smales to the Horse Guards. Of course Mr. Fitzsimon has not the faintest idea how this document he had withdrawn came into the hands of Mr. Smales, or why Mr. Smales sent it into the Horse Guards. These are exactly the sort of circumstances which are sure to have escaped the somewhat "abnormal" memory of Mr. Fitzsimon; and so by this very pretty device he contrives to blast my character in the opinion of the military authorities at home, without the disadvantage of having his statement confronted with my reply. I don't know, Sir, what the Court may think of such treatment as this of a commanding officer by an officer under his command; but, whatever you may think of it, such is the origin of the second charge; for it is upon that letter so withdrawn before my face, and so reproduced behind my back, that this second charge is founded. If Mr. Fitzsimon's letter had been proceeded with, it would have been he and not I who would have been placed upon his trial. But by this ingenious manœuvre he has contrived to reverse the situation, and by sending in to the Horse Guards the letter he had formally withdrawn he has managed to place me on my trial instead of himself, and to shut my mouth whilst he bears witness against me. I now come to consider the charge itself, and I shall proceed to demonstrate its falsity, as I should have demonstrated its falsity before if Mr. Fitzsimon had not withdrawn a statement which he knew he was unable to substantiate. There is some difficulty in dealing logically with this charge, because it proceeds on the assumption of facts which are now proved never to have existed. It is grounded on the supposition of an interference with the privacy of Mrs. Lilley which it is now quite clear never took place at all. It is somewhat difficult, no doubt, to discuss who was in fault for that which, in fact, never occurred. However, the charge must be treated now as the matter stood when I made the reply on the Mhow Court-martial in June, 1862. The persons who had conceived the plan of attacking me by this false story of annoyance to Mrs. Lilley had succeeded then in deceiving even myself, as they have succeeded since in deceiving so many others. I could not at the time conceive that it was possible—did not dream then what I now know—that the whole thing was a deliberate and wicked fabrication, invented for the sole purpose of injuring me. I was too much occupied by the business of the Court-martial at the time thoroughly to sift the matter. It was not till much later, when I made a thorough investigation of the affair, that I discovered what you now know. When I made that speech, Sir, I thought that what Sergeant-Major Lilley had said was true, and that something had occurred in the posting of the sentries which inconvenienced and annoyed his wife. I spoke upon that assumption, and I said what I knew to be the fact, that if what I supposed had occurred it had occurred by no fault of mine, and in pursuance of no orders of mine. The second charge, then, involves a double untruth. It involves, first, the untruth that Mrs. Lilley's privacy was intruded upon at all; and, secondly, the untruth that it was intruded upon by my order. For the purposes of this argument I will assume that it was intruded upon, and then examine, if it had been, whose fault it

would have been. Sir, I need not tell the Court what are the duties of an adjutant in such a matter. They know it as well and better than I do. I think I need not examine at any length the manner in which those duties were understood and performed by Mr. Fitzsimon. The Court will not have forgotten his somewhat novel theory of sentries posted at their own discretion. "I should say,"—that is Mr. Fitzsimon's favourite phrase—"I should say it must be left at the discretion of the sentry." All I can say is, that if it were to be left to any one's discretion I should much rather, either as the colonel or the prisoner, after what we have heard, that it should be left to the discretion of the sentry, or of any one else, than to that of such an adjutant as Mr. Fitzsimon. Now, Sir, just see how these orders were executed from the very first. On the 26th of April I gave the order for the arrest of the three sergeant-majors. I showed my opinion of the importance of the matter, for I gave the order in writing. And what happens? Mr. Fitzsimon says that the persons who are responsible for the execution of such an order and the defining of the post of the sentry are the adjutant or the regimental sergeant-major. Somewhat a new theory, I think, of the responsibility of the regimental executive, and so I think from their questions it appeared to the Court to be. But, unfortunately for Mr. Fitzsimon's *extempore* definition, it fails to cover what really occurred, for neither the adjutant nor the regimental sergeant-major troubled their heads about the posting of the sentries. You have had before you the sergeant who actually did post the first sentry. It was Sergeant Foulds. He was examined on the 4th of December, and he tells you that Sergeant-Major Cotton, then the acting regimental sergeant-major, did not go with him to post the sentries, and that he gave him no written orders whatever. You see, Sir, that from the very first moment, as far as the two responsible persons were concerned, the doctrine of sentries at discretion was adopted and acted upon. Now, I ask you, as officers of experience and judgment, am I, can I be held responsible for anything which did or might have occurred when my orders were carried out in such a manner? Is any man's reputation safe—is any commanding officer's honour worth a day's purchase in the charge of such an adjutant? Why, Sir, if the sentry had been actually standing at the very head of Mrs. Lilley's bed, should I have been responsible for it? I will deal with the conversation in the orderly-room by and by. For the present I will assume its truth, and let us see what is the meaning and effect which Mr. Fitzsimon would attribute to it and what were the consequences he would have you believe followed upon it. If his story is true that is what happened. Before that conversation the sentries were outside the house; they were placed inside the house by my orders, and against the remonstrance of Mr. Fitzsimon and others. When they were so placed inside the house they were so placed without any particular post, and without any restriction, and they were without any discretion, but were bound physically to keep the prisoners in their view at every instant. He further states that in consequence of this conversation and immediately after it, a second order was drawn up by him and corrected by me, and that this second order contained for the first time the injunction not to lose sight of the prisoner, and that it was in consequence of this injunction that annoyance happened to Mrs. Lilley by intrusion upon her privacy. This is the story of Mr. Fitzsimon, and it is upon the truth of this story that the second charge depends. I will show you by evidence of the most conclusive character that this story is in every particular false. In the first place, the order "not to lose sight of the prisoner" was given from the very first. That is proved by Private Robert M'Vey, who was examined here on the 3rd of December, and who was the first sentry posted over Sergeant-Major Lilley. It is quite plain that this interpretation of close arrest was given from the beginning, and that it was consistent with the fact which Mr. Fitzsimon has himself admitted—that the sentries as first posted were no sort of annoyance to Mrs. Lilley. Why, Sir, what does this show but this—that the words "not to lose sight of the prisoner" did not in the sense of any ordinarily reasonable man involve that the prisoner was to be always actually in view. It was not so understood by any of those who had to carry it out, and I will venture to say it was not so understood then (whatever he may now say) by Mr. Fitzsimon himself. Not to lose sight of a prisoner, the object of whose arrest is to prevent his communication with others, consists in taking care that he shall never be anywhere in which such communication is possible; and it means, and it was understood to mean, nothing more. When the prisoner went to the rear, when he went into his wife's bedroom, he was not in view, but he was not "lost sight of," because the sentry knew where he was and that he was not able to communicate with others. And so his orders were strictly fulfilled. And therefore it is that sentry after sentry tell you that though they had orders not to lose sight of the prisoner they did not follow him to his bedroom, or in any way intrude either on the privacy of himself or his wife. And now to come to the next point: Mr. Fitzsimon would have you to believe that the sentry was for the first time posted inside the house against his will and in spite of his remonstrance. He tells you that he did not go to see the sentries posted himself, but that he gave what he calls the second order to Sergeant-Major Cotton in order that he should have them posted accordingly. Now, Sir, every

branch and particular of this statement is demonstrably untrue. The first time the sentry was posted inside the house at all he was placed there by Mr. Fitzsimon himself. This is proved by two of the witnesses for the prosecution—first by Reynolds, the orderly-room clerk, examined on the 24th of November, who says that he heard me tell Mr. Fitzsimon to put the sentry under cover on account of the sun; and also by Private D'Arcy, who was examined on the 3rd of December, and who says that he was himself the sentry so first removed, and that he was removed by Mr. Fitzsimon in person. I remember the circumstance perfectly well. The orderly-room was in view of Sergeant-Major Lilley's bungalow. I saw the sentry at mid-day out in the sun, and I told Mr. Fitzsimon to go and put him under the porch, just at the entrance of room No. 4. The date of that change is fixed as about the 28th of April by Private York, examined on December 4th, who tells you that the sentry was first placed within the house on account of the sun. He says that at that time there were no orders about Mrs. Lilley's bedroom. I dare say there were not, because at that time there was no necessity to take any such precaution, because the sentry never penetrated beyond the outer room. But what is the next thing that happens? You have an account of it from Private Galton, the orderly-room clerk, examined on December 3rd. He tells you that Mr. Fitzsimon complained to me of irregularity on the part of a sentry, and that I said, "Then, Mr. Fitzsimon, place the sentry inside the bungalow;" and he adds that Mr. Fitzsimon then said nothing about Mrs. Lilley's health. Is it not perfectly clear, then, what took place? The sentry is first placed just within the entrance, on account of the sun, by Mr. Fitzsimon himself. He is afterwards, on the suggestion of Mr. Fitzsimon, placed further inside the house, on account of the irregularity in the sentries. Why was it necessary to place him further inside the house? Why but because Sergeant-Major Lilley refused to acquiesce in his arrest; because I knew, because the sentries knew, because every one knew, that in spite of all the precautions that were taken, he endeavoured to communicate, and did communicate, with Mr. Smales. This is placed beyond all doubt by the evidence of Bennett, examined on the 3rd of December, and by that of Malins, examined on the 4th of December. It is proved by the now well-known question put to Sergeant-Major Lilley at the Mhow Court-martial by Mr. Smales. The sentries have told you themselves that while placed outside they could not execute their orders. See the evidence of M'Vey, and of Hudson, examined on December 2nd. Even Mr. Fitzsimon, when asked whether a sentry posted outside the house could make sure that the prisoner did not communicate with other persons, is compelled to say, "In the first building I should say not." You may now judge of the truthfulness and accuracy of Mr. Fitzsimon's present account of the origin of the placing of the sentry inside the house, and of the part he took in the matter. To pass to the next point of Mr. Fitzsimon's story. He says that after the alleged conversation in the orderly-room he drew up and submitted to me a second set of orders, which I corrected, and which he gave to Sergeant-Major Cotton. Where are those second orders? He says he does not know. But what other witness speaks of them? No other person has ever seen them. The important witness on this point was Sergeant-Major Cotton, to whom Mr. Fitzsimon alleges he gave those second written orders. If they existed, Sergeant-Major Cotton must have known of them, and the prosecution must have asked him to prove them. But they do nothing of the sort. I ask you to look at the evidence in chief and the cross-examination of Sergeant-Major Cotton, and see whether it does not refute, instead of confirming, this story of the second written order. Sergeant Major Cotton says, "Did he—i.e., Colonel Crawley—give you any orders?—Colonel Crawley ordered me to go and see that the sentries were properly posted—that is, inside the quarters." "Did you then leave the orderly-room?—I did, Sir." But not one single syllable about receiving this second written order from Mr. Fitzsimon. But then he is asked, as if in special connection with this part of the matter, "Do you remember going with Cornet Snell to place the sentries?" Answer.—"I do, Sir." It is a remarkable fact that this is expressly denied by Mr. Snell. Sergeant-Major Cotton is asked on cross-examination why he went with Mr. Snell, and he says because he was adjutant at the time. Now, if Mr. Snell was adjutant at that time, this could have had no connection with the conversation in the orderly-room, at which Mr. Fitzsimon attended as adjutant himself. It is very worthy of remark that Mr. Snell in his cross-examination expressly says that the orders he received with reference to the arrest were received from Mr. Fitzsimon, and that these orders were not in writing. Why did not Mr. Fitzsimon give Mr. Snell the second written order drawn up, as he says, by him and approved by me? I think, Sir, you will come to the conclusion that it was because that order did not exist. None of the witnesses who are called to prove the conversation in the orderly-room know anything about it. Sergeant-Major Cotton's evidence is incompatible with its existence. But what is more conclusive than all the evidence of what actually occurred shows that there never could have been such an order as that to which Mr. Fitzsimon swears. The evidence of Sergeant England, examined on the 1st of December, is very well worthy of attention. He says, that on

the 28th of April he received fresh orders, which were brought to the guard-room by Sergeant-Major Cotton. What was this order? Why, Sir, is it not perfectly clear that it was the regimental order of April 28 which has been put in evidence, and nothing else? And there is not a tittle of evidence, except the unsupported assertion of Mr. Fitzsimon, that from first to last there were any other written orders than the sheet of note-paper drawn up by me on the 26th of April, and the regimental order which was an expansion of that sheet of note-paper, and entered in the regimental order-book on April 28. This is put beyond all manner of question by the evidence of Lieutenant Davies. He is asked when he became acting adjutant, on the 23rd of May, from whom he took the orders with respect to the arrest of Sergeant-Major Lilley; and he answers from the regimental order-book. But if there were then in existence more recent orders drawn up by Mr. Fitzsimon and corrected by me, what had become of them on the 23rd of May, and why did not Mr. Davies take his orders from them instead of from the order-book? I don't know how this strikes the Court, but to me it appears perfectly unanswerable. And now let us see how Mr. Fitzsimon's statement agrees with the actual facts as proved with reference to the position of the sentries. All the rest of the witnesses to the conversation in the orderly-room have been cautious enough not to give it any date. Mr. Fitzsimon, unfortunately for him and most satisfactorily to me, has been imprudent enough to fix it as previous to the 1st of May, which was the date of Blake's arrest. He was obliged, of course, to fix it previous to that day in order to reconcile it with his assertion that that conversation led to the sentry being posted inside the bungalow for the first time. But, as you will presently see, the fixing of that conversation and of the second orders previous to the 1st of May is absolutely fatal to the truth of the story and to the credibility of Mr. Fitzsimon. I perceived this, Sir, from the first, and therefore, though I did not wish to weary you by going into much detail of immaterial dates, I was determined you should have sufficient evidence of what was the actual state of things on the 1st of May, when Mr. Fitzsimon pledges himself that the second orders were in full operation. The state of things on the 1st of May is established by the evidence of five witnesses. Corporal Parr, who relieved Corporal Blake, who had just been arrested for disobedience of orders, was on duty on the night of the 1st of May. I beg your careful attention to his evidence. According to Mr. Fitzsimon, this was after the second orders, and I ask you to compare the account he gives with Mr. Fitzsimon's story. Corporal Parr says that his orders were "not to lose sight of the prisoner excepting he went into Mrs. Lilley's bedroom." Where did that exception come from, and who gave that order? Mr. Fitzsimon says positively that there was no such exception in the second orders. Mr. Fitzsimon says that the sentries had no particular post according to the second orders, but were to wander about at their discretion. Corporal Parr says they had a particular post, and that post was in room No. 4. Mr. Fitzsimon says that according to the second orders the sentry was bound always to keep the prisoner in his view wherever he went, and that he had no discretion in the matter. What says Corporal Parr? "I placed the sentry in No. 4 room, and the door was shut. The sentry wished to be certified that the prisoner was there, and I then called on Sergeant-Major Lilley. He answered me, and I told the sentry he was there." You know the interpretation Mr. Fitzsimon has sought to put on the phrase "not to lose sight of the prisoner day or night." You see what the actual practice was. I think you will determine this matter by the facts of this case, and not by the hypothesis of Mr. Fitzsimon. Private Newton, examined December 4, who was the sentry who was improperly posted by Corporal Blake, tells you that his proper post was in room No. 4. Sergeant Mills, on his cross-examination on November the 23rd, tells you exactly the same thing as Corporal Parr, and he says that the sentry, according to the orders he received, had no business to leave room No. 4, except when the prisoner went into the verandah. The same points are confirmed in every respect by Sergeant Barber, who was examined on the 2nd of December. Now, Sir, if the account given of the orders and the post of the sentries on the 1st of May by these four witnesses is true, Mr. Fitzsimon's story of the second order, which was previous to that date, must be untrue. It will be for you to decide which you believe. I don't wish to trouble you with any great detail as to dates; but I must ask your attention to a very important period—viz., May 6, which was the day, you will remember, before Sergeant-Major Lilley gave his evidence upon the Mhow Court-martial with respect to the outrage on his wife, which it was said was the natural consequence of my orders. Sergeant-Major Lilley says, "The last act is at the present time by a sentry being placed at my bedroom door where my sick wife is lying. The door is quite open; the sentry is posted about two feet from my bed." If that had been true, should I have been responsible for it according to the orders I had given, and which I have shown to have been in actual operation? But was it true? Look at the evidence of Corporal Condy, who was examined on the 1st of December, and was on duty on the night of the 6th of May. He says the orders were not to follow Sergeant-Major Lilley into Mrs. Lilley's bedroom. I might, if I thought it necessary, indefinitely prolong this investigation. The entire untruth of the statement that the sentries had no particular post, but wandered about at discretion,

is distinctly negatived by the whole of the evidence. It is shown by the whole of the witnesses that from the moment the sentries were placed in the house there were orders to protect Mrs. Lilley from annoyance. I might specially refer you to the evidence of Sergeant Adams, who speaks to the 9th of May. He says the proper post and walk of the sentries was from the door of No. 4 room, through the centre of No. 2 room, to the great door of No. 1 into the verandah. And this is clearly the proper post of the sentry for the due execution of my orders; and the post which Mr. Fitzsimon should have taken care was constantly observed. Take another date, and look at the evidence of Sergeant James as to the state of things on the 10th of May. He is asked whether he thought it necessary to go and see if Sergeant-Major Lilley was in his bedroom, and whether he ever disturbed him or Mrs. Lilley there. His answer is distinct—"I did not consider that it was necessary to see that Sergeant-Major Lilley was in his bed, or to disturb them in any way whatever." He describes the proper post of the sentry exactly as Sergeant Adams had done, and he says that no sentry, according to the orders he had received, had any business to be nearer the door of the bedroom than the centre of the office-room. And, Sir, one and all they tell you that they could not see through the chick. Take what date you please. Look at the evidence of Corporal Charles Mills on the 19th of May, and you will find the same orders. Fix the conversation and the orders alleged by Mr. Fitzsimon to have been consequent upon it at what date you will, and you will find that the facts as proved at every moment directly refute Mr. Fitzsimon's account of these orders. Sir, Mr. Fitzsimon says that he did not go into the house to see the posts of the sentries on account of his extreme delicacy with respect to Mrs. Lilley. You will have hardly failed to observe that Cornet Snell, who from the 4th to the 8th of May did duty as adjutant for Lieutenant Fitzsimon, did not feel the same difficulty. And yet I will venture to say that Mr. Snell is an officer not the inferior of Mr. Fitzsimon in delicacy and good feeling. Mr. Snell, as he has told you, felt no difficulty in going, as it was his duty to go, several times a day into the house to visit the sentries. Mr. Snell is asked,—"If he thought the sentry being posted in the next room to Mrs. Lilley in the first bungalow caused her any annoyance?" I pray you to observe his answer:

"As neither Mrs. Lilley nor the sergeant-major made any complaint to me of his being there, I never thought anything at all about it. Had I thought it was a source of annoyance I should, as a matter of duty, have reported it to the commanding officer without any complaint being made by either of them. I should have done the same if I thought he was improperly placed at the end of the H troop barracks."

And yet Mr. Fitzsimon would have you believe that while Mr. Snell was living in his house and doing the duty for him, and visiting the sentries daily without seeing anything which could annoy Mrs. Lilley, Mr. Fitzsimon really believed all the time that the orders and the position of the sentries were that which he has represented. I don't think Mr. Fitzsimon will easily persuade you of that. When was this excuse of delicacy for the non-performance of his duties first thought of by Mr. Fitzsimon? You will have discovered from the evidence of Captain Curtis that a few months ago, at Mhow, it had not yet occurred to Mr. Fitzsimon. He hesitated there as he has hesitated here, but he has since discovered a pretext and a justification which were not then dreamt of. From the beginning to the end of this matter my course has been perfectly clear. I received from my superiors an order which I was bound to execute. I issued orders for its execution, which are recorded in the regimental order-book, and which I submit to the Court were right and proper orders under the circumstances; though from time to time, as necessity seemed to require, the mode of carrying out of those orders may have been varied, there is no reliable evidence that those orders were ever substantially changed. There is no evidence that I ever interfered in the matter except after the first orders were given, except,—first, in the authorizing the placing of the sentries inside the house on the suggestion of Mr. Fitzsimon himself,—and, secondly, upon the complaint of Sergeant-Major Lilley before the Court-martial in sending Cornet Snell to remove all cause of complaint. Upon no other occasion is there any evidence that I interfered for the purpose of altering the orders in any way, nor is there any evidence of any representation which should have led me to do so. Whatever the orders were under which Mr. Snell acted, they were, as he tells you in his written statement, received from Mr. Fitzsimon. Whatever orders Mr. Davies acted under, they were, as he tells you, taken from the regimental order-book. There never was a time after the sentries were placed within the house in which there was not express provision made that the privacy of Mrs. Lilley was not to be interfered with. If I am to be saddled with the responsibility of the orders, I must have the benefit of the evidence of this exemption. The prosecution seems at one time to have proceeded on the assumption that there were more stringent orders before the 7th of May, and that these orders were recurred to again after the 8th; but the written statement of Mr. Snell contradicts this, for he states that he saw nothing to object to before the 7th, and he equally saw nothing to remark upon after the 8th. But even if it had been so, it is plain from the evidence of

Adjutant Davies that he received no new or special orders from me after he became adjutant, but acted only on those which he found in the order-book. Some point seems to have been made of the removal of Mr. Snell from the adjutancy on the 8th of May; but the facts of this matter were very simple. It was never intended that Cornet Snell should act except strictly as *locum tenens* for Mr. Fitzsimon during Mr. Fitzsimon's temporary indisposition; as soon as Mr. Fitzsimon went into the sick report, on May 8th, Mr. Davies, who was an officer of greater age and experience, was appointed as acting adjutant—a thing which was natural enough, and certainly was not intended to cast the slightest reflection on Mr. Snell. The fact that Mr. Snell was from May 4th to May 8th, acting not so much as a substitute for as the representative of Mr. Fitzsimon, accounts for the error I seem to have made in my letter of June 4th, in which I wrote that I had sent Mr. Fitzsimon, on May 7th, to remove the sentry from the position of which Sergeant-Major Lilley complained. I should have said that I sent the adjutant, as, indeed, in my speech three days afterwards, on which this charge is founded, I did certainly say. I ask you to look at the evidence of Captains Clerk and Macneill, the two officers of the 72nd Highlanders, who were members of the Mhow Court-martial, and who speak to the unmistakeable evidence of my surprise, and that of Captain Curtis, who tells you that my exclamation on the instant was "Good God! can this be true?" and then say whether that evidence does not justify my statement "that no person could be more shocked than I was when I learnt from the evidence of Sergeant-Major Lilley that his wife had been incommoded or annoyed." Men do not act or feign such surprise on the spur of the moment. I venture to say that if some witness in this court were on the instant to utter some statement gravely impugning the character and honour of the gallant prosecutor before this Court, we should see at once the indignant evidence of innocence flash across his face, and stamp the conviction of the falsehood on the minds of all who saw him. And so it was with me. There are things which cannot be mistaken. There is no confounding conscious innocence with detected guilt. You will judge from the testimony of these two gallant officers to which class my astonishment at the question of Mr. Snell and the answer of Sergeant-Major Lilley properly belonged. But now, Sir, before I finally leave the second charge, I must say a few words on the subject of the famous orderly-room conversation. I do not pretend to give you my own account of that conversation, first of all because I cannot be a witness; and, secondly, because, as has been already shown to you in evidence, and as is the fact, I have no recollection of it. Like Mr. Woodin, before his memory became so good, I cannot recollect everything that took place in the orderly-room. As to the substance of the observations attributed to me I have nothing to object to, and nothing to qualify. Close arrest does mean close arrest, and, according to my understanding, it does, in the sense I have already explained, and in the sense in which it was understood by all the persons who carried it into execution, involve never losing sight of the prisoner. What I understand by close arrest you will find explained in the written statement of Mr. Snell. I told Mr. Snell to see the close arrest properly carried out, and he has told you what he did in consequence. Whatever Mr. Fitzsimon may say, Mr. Snell, at all events, understood that I meant by close arrest such an arrest as should not inconvenience Mrs. Lilley. "Officer or soldier, married or single, the duty must be done," is the maxim I have always learnt, and which I have always tried to teach. If the principle is a wrong one, I am afraid I am too old now to school myself in any other. The whole sting of the conversation as reported by the witnesses for the prosecution turns upon the manner in which the thing was said, the occasion on which it was uttered, and the consequences to which it led. And these are exactly the incidents by which men with a hostile spirit and a mischievous intention may inflame and distort the most ordinary and innocent remarks. Fix such a conversation on a different occasion from that on which it really took place; connect it with a different set of circumstances; clothe it with a vindictive tone and deduce from it injurious consequences, and you may destroy any man's character by the repetition of words which in their true allocation were absolutely harmless. Let us see, Sir, who are the witnesses who come to testify to this conversation, and how they commend their testimony and impartiality to the credence of the Court. Mr. Fitzsimon is a witness equally remarkable by the circumstances he remembers and those which he forgets. The officer who cannot remember whether he was or was not censured by a court-martial before which he gave his testimony for the evasiveness of his evidence—who cannot say whether the orderly-room was in his own house or not—comes to give you chapter and verse for a conversation which took place more than a year and a half ago. He insinuates to the "best of his recollection," though of course he "cannot positively say," the oath which he desires to impute. He confesses that it was only upon consultation with others that he is able to speak to what occurred. Major Swindley is a witness of another stamp, though not of a dissimilar *animus*. He, too, forgets for the moment the concerted oath, but he comes back after luncheon to amend his evidence and repairs his oversight by giving out the "damn" with an emphasis which will not be easily forgotten. Sergeant-Major Cotton's memory is

less tenacious, probably because his spirit is less hostile ; for, though he was so principal an actor in the business, he tells you he does not remember the purport of the conversation. And then, Sir, there is Mr. Woodin, the accomplished letter-writer, of excellent memory. He says he never recollects having had a bad memory. I fear that this very assertion convicts him of the weakness it is intended to deny. He seems to have forgotten an occasion on which his memory appears to have been much less copious than at present. Look at his letter written on the 3rd of October, 1862, and compare it with his evidence given on the 23rd of November, 1863, and I think, Sir, you will be of opinion that the excellence of Mr. Woodin's memory consists principally in its progressive character, and that, like full-bodied wine, it vastly improves by keeping. It is fortunate for me that this trial has not been postponed for another year ; for it is impossible to conjecture, now that Mr. Woodin has got rid of his notes, what additional particulars he might not by that time have remembered. Mr. Woodin felt all the difficulties in which this letter placed him when coming to give a different version of that conversation, and he has ventured to say that he proposed to me to insert these other circumstances in that letter at the time. Mr. Wallace has distinctly denied this statement. And I deny it too. Mr. Wallace has told you that Mr. Woodin was asked to put down all he could recollect on the subject, and that he said he had done so. Nay, more, he says that Mr. Woodin distinctly denied any recollection of the other circumstances to which he has now so positively spoken. The express object of my asking Mr. Woodin to write that letter was that I might have from an ear and eye witness of excellent memory a reliable account of the transaction to which I could refer. Mr. Woodin says I asked Mr. Wallace to be present. If I did so you will perceive that it was not altogether an unnecessary precaution. The prosecution felt the pressure of Mr. Wallace's direct contradiction, and they tried to shake him by the severe test of requiring him to repeat his statement. The test, however, failed of the object with which it was put, for Mr. Wallace in the simplest manner again gave, without hesitation, exactly the same account of what happened in perfectly different words. But Mr. Woodin had written a second letter, dated January 1, in this year. Unfortunately for the complete consistency of the orderly-room story—and I should suppose somewhat to the discomfiture of his allies—he had bound himself in that letter not to remember the "damn." He writes in January of this year—"With reference to the orders of the sentry over Sergeant-Major Lilley I do not remember that the word 'damn' was used by you." But Mr. Woodin was not the man to allow his letter to balk him and his friends of the oath, so he comes here, and upon his examination in chief he says,—“I beg to add that I am sure the colonel said, ‘And by God I will have it carried out.’” Can anything be much more pitiful than this? Mr. Woodin used to keep notes of conversations. I wonder whether, when he wrote to me to say he did not remember the “damn,” he kept a note in reserve that he “begged to add it was ‘by God.’” Mr. Woodin has learnt somewhat late in life that he had better not keep notes of conversations. He has destroyed his notes, and he has determined to trust only to his memory, and I am bound to say that his memory has not disappointed his expectations, either in its fertility or its elasticity. Sir, I know not whether I used either one oath or the other. If I did, I am sincerely sorry for it. But I protest I would rather be the man who in a moment of temporary irritation employed a “cholerick phrase” than I would be one of those officers who have deliberately and vindictively come in such a spirit and for such an object to remember such an incident and swear a charge of “flat blasphemy” against their colonel. May I not exclaim of them as Cassius did :—

“Braved by my brother:
Checked like a bondman; all my faults observed,
Set in a note-book: learned and conned by rote
To cast into my teeth.”

The materiality of this conversation does not turn upon an oath. It depends, as I have already said, upon the occasion out of which it arose and the results to which it led. I have already shown you that it did not and could not have occurred at the time at which Mr. Fitzsimon places it, and it did not produce the results which he attributes to it. But there happens to be a witness who gives a perfectly intelligible and credible account of the transaction, both as to its manner, its time, and its occasion. That witness is Private Reynolds, the orderly-room clerk, who was called by the prosecutor on the 23rd of November to prove this conversation. If you read his evidence you will find that it bears out the characteristic distinction which throughout this trial has marked the difference of *animus* between the officers and soldiers who have been called by the prosecution. Take Reynolds's account of that conversation and I have nothing to object to in it, and I am sure you will see nothing in it to find fault with. He tells you expressly that this conversation took place after Private Little was brought up before Major Swindley. Now, this event took place on the 9th of May. If this be so, it is sufficiently evident that the state of things of which Sergeant-Major Lilley complained in court on the 7th of May, and under which he is supposed to have suffered great and grievous hardships, did not arise out of this conversation. This

is, no doubt, the true version of the matter which the malevolence of the other witnesses has sought to pervert. Private Little was arrested, and properly arrested, in my judgment, for having, in direct disobedience of his orders, permitted a person—I care not whether male or female—to enter Sergeant-Major Lilley's house. You know how Major Swindley treated this matter. He tore up the crime in the face of the prisoner he admonished. I know, he says, now that there was no evidence against the prisoner. But why, then, did he admonish him? Major Swindley, who has so excellent a memory for my oaths, had forgotten that he had recorded this admonition under his own hand ; and when he is confronted by his own entry he says it was all a mistake, and that he ought to have written “released.” But, with that singular ill-fortune which attended the earlier witnesses for the prosecution, Reynolds, who followed him almost immediately, says expressly that Major Swindley did admonish the prisoner. Major Swindley is, therefore, directly contradicted on this point, both by Reynolds, the orderly-room clerk, and by his own handwriting. Under these circumstances do you not think I was perfectly justified in reprobating Major Swindley for dealing with such a matter in such a manner? Can you doubt that the deliberate intention of this conduct on his part was to discredit my authority, which it was his bounden duty to sustain? And now look at the conversation by the light of this transaction. If, as Reynolds tells you, it took place after this event, and if when I rebuked Major Swindley his allies and my opponents justified these proceedings on the ground of Sergeant-Major Lilley being a married man, then you can easily understand that I should summarily repudiate such an excuse for conniving at and even encouraging a grave breach of discipline on the part of a soldier, and a flagrant defiance of my authority on the part of an officer. Sir, if Reynolds tells the truth you can easily comprehend out of what materials this orderly-room conversation by which the prosecution set so much store has been manufactured. I have now done with the second charge. But before I leave it I must ask you one single question. This charge rests upon the unsupported testimony of Mr. Fitzsimon. You have heard, and, what is more important still, you have seen his evidence, and I ask you whether the reputation of any man living ought to suffer by the testimony of Mr. Fitzsimon. Sir, I have now disposed of both the charges ; and let me ask you what you think of the nature and character of this case. Do you not believe that those who set these calumnies afloat have, in order to gratify a wicked and personal malignity, trafficked in the accidental and unforeseen death of this unfortunate man? Do you not think that they have used the deathbed of Sergeant-Major Lilley to inflame popular prejudice, to pervert public justice, and made it the lever of a foul conspiracy to ruin the man whom they desired it to destroy? It is said that I oppressed Sergeant-Major Lilley, that I outraged Mrs. Lilley. I have examined this question from the positive evidence which has been adduced before you, and I have shown you that it distinctly disproves the charges. But there is an intrinsic force about the negative evidence which is, if possible, still more conclusive. Here is a man supposed to be suffering under “great and grievous hardships,” and one naturally asks where are the complaints he uttered, where are the remonstrances he made. He saw adjutant after adjutant; he saw orderly officer after orderly officer. They asked him specially whether he had any complaints to make, and invariably he said he had none. I asked the sergeants of the guard, and they had heard of no complaints. One tells you he saw Lilley and his wife talking and laughing on the sofa. Another that he saw them walk off arm-in-arm to their new quarters. They sat together in their easy-chairs in the verandah. He goes to look at his tent. He does anything but complain. You have seen before you his most intimate friend, Sergeant-Major Cotton, and yet you have not heard the whisper of a complaint. You have seen Mrs. Cotton, the friend and nurse of his sick wife, yet no complaint. Mrs. Gibson, in whose house Mrs. Lilley died, is not here. But why is she not here? Do you think if she could have proved anything against me, those who set the prosecution in motion and have brought her husband here, would not have brought her here also? She is not here for the best of all reasons—that she has nothing to say. You have seen Sergeant-Major Garraway, who in his last quarters saw him every day, and he says he made no complaint. You have heard Assistant-Surgeon Barnett, who daily attended his sick wife, and even he speaks to no complaints. And don't let it be said that he did not complain when there was anything to complain of, or that he did not get the redress on those occasions upon which he sought it. Sergeant Mittonette, who was examined on December 3, has told you that Sergeant-Major Lilley on one occasion did complain of the position of a sentry, and upon the complaint being made he was instantly removed. Why were not similar complaints made on other occasions, but because there was no ground for complaint? Nor let it be alleged that the prosecution have not endeavoured to prove all the complaints at which they could arrive. You will remember the examination of Private Bryant, an important witness—he was the servant of Lilley during the arrest—and was called by the prosecution for the express purpose of proving a complaint. And what was that complaint? Why this:—“He said he (Sergeant-Major Lilley) was very sorry for what happened to him.” Sir, I have no doubt he

was. He had great reason to be so. But I should like to know what man who ever suffered a merited punishment would not make the same complaint. And this, with every intention and desire to prove it, is the nearest thing to a complaint which the prosecution have been able to establish. Sir, under these circumstances, why should I suppose there was any ground for complaint? The adjutant did not tell me—the orderly officer did not tell me—the doctors did not tell me of any complaints. And why did they not tell me of any complaints, except for the best of all reasons—that the man himself made no complaints because he had nothing to complain of? Sir, if such transactions as these of which I am accused had ever taken place, do you think they would not have been known in the regiment from the youngest recruit to the oldest soldier? What, Sir, Sergeant-Major Lilley, according to the theory of the prosecution, the pride and the favourite of Inniskillings, was cruelly oppressed by me, and his sick and dying wife brutally outraged! Would not the whole regiment have been in arms against the tyrant of whom such things were believed? Would not every tongue have testified their indignation? But what do you hear from Captain Curtis? I will venture to say you have not forgotten the story of my departure from Mhow. What a spectacle! The murderer of Sergeant-Major Lilley is pursued by the cheers and the blessings of the brothers-in-arms of the injured man. They bid him God speed in the hour of his trial; they pray for the return of this harsh, wicked, unjust, tyrannical colonel. But that is not all. Miracle of miracles! the women of the 6th Dragoons beset his path only to shed tears at the departure of the unmanly persecutor of Mrs. Lilley. Does the prosecution suppose that the Court will not draw its own conclusion from such an event? Will they not see that, whatever their officers may pretend, the regiment knew what was the truth, and that by a spontaneous and genuine impulse they gave their unanimous testimony against the calumnies which had been heaped upon the head of their colonel, and against the falsehoods which they knew were about to be shown against his honour by a malignant cabal? But there is another testimony with which the malice of my enemies has supplied me, or, should I not rather say, which Providence has vouchsafed to defend an innocent cause. I cannot call her before you; she is dead as she lived, the witness of truth, and "being dead she yet speaketh." I am accused of having persecuted to the death a just and innocent man. Is it so? I shall ask you to rest your decision not on the testimony of men who have been proved to be my malignant and inveterate enemies, but on that of a witness whose competence cannot be disputed. If Sergeant-Major Lilley was ill-used by me—if, to repeat the language of the charge on which I am arraigned, "The said Regimental Sergeant-Major Lilley was subjected at my hands to great and grievous hardships and sufferings," there was one being who shared those sufferings and could testify alike to their severity and their injustice. I knew Sergeant-Major Lilley's wife—the unhappy wife of an unhappy man. A better woman never existed. Afflicted with a mortal disease, my own wife had frequently visited her in her sickness, and, as far as she could, ministered to her needs. I speak in the presence of men who know what human nature is, who are accessible to its passions and sensible of its feelings. I speak as one who, in spite of the calumnies which have been heaped on my head, am not destitute of humanity nor incapable of affection. To Mrs. Lilley, the disgrace of her husband, even though justly inflicted, must have been a grievous sorrow. The pain which misconduct brings on those who are dear to us is one of the heaviest retrIBUTions of crime. If Sergeant-Major Lilley was the victim of injustice, who would have known it better, who would have felt it more deeply, than the wife by whom he was beloved? If, Sir, that of which I am accused were true, if one-tenth part of it were true, if the whole of it were not false, what language would have been too strong for the faithful wife of an injured man? Would not her dying breath have testified against the cruel injustice of the oppressor to whose persecution he had succumbed, and gone up to Heaven as the avenger of innocent blood? If Mrs. Lilley had believed that her husband was the victim of my injustice, there is nothing she might not and ought not to have said. It would have been possible to forgive in a mind tortured by grief and maddened by wrong that which proceeding from a cold and calculating vindictiveness inspires nothing but horror and disgust. If there be a witness little likely to be biased in my favour, if there be one who knew the truth, if there be one who was released from all sense of earthly fear and all hope of earthly favour by the overshadowing immunity of the grave, that witness was the wife of the man whose death it is sought to lay at my door. She was the partaker of his sufferings, the confidant of his secrets, the consoler of his griefs, the witness of his death, the administratrix of his wrongs. And what says Lilley? You must have seen her last letter. I could not put it in evidence. But, thank God, in every libel my enemies have proved it for me. Mark the purblindness of malignity—the stupidity of hate. The letter which my enemies have produced to inflame against me public execration, and to assure my certain destruction, is one which no fair, honest, right-judging man can read, heartrending as it is, and not see in it the conclusive evidence of my guiltlessness of this awful charge. Sir, I am accused of cruelty, of vindictiveness, of hatred, and of oppression towards this unhappy man. There was one being in the world

who next to God knew best if this were true. For herself she might not have complained, for women are patient under suffering and meek under oppression. But what woman since the world began has endured with patience an injury to those that she loves? What woman, from the savage to the saint, is not inflamed by a vehemence not her own, and inspired with a fury opposed to her nature, by wrongs inflicted upon a child, upon a husband? If human nature be not a cheat and experience a liar, then if this unhappy man died under my cruel oppression, his more unhappy wife did not, would not, could not have written that letter. It is true I am accused, it is true that men whose evidence in this court sufficiently denotes the spirit by which they are actuated, have testified against me. I dispute their competence; I deny their credibility; I denounce their motives; I invoke this testimony against them, and what shall counter-vail it? The law has always attributed a peculiar sanctity to evidence given in the article of death. I tender you, or rather my enemies tender you, such evidence. It wants the sanction of no oath, no human passion can pervert, the promptings of no earthly malice can suborn it. It is sealed by the irrevocable sanction of approaching dissolution, and the awful truthfulness of imminent judgment. There is an eloquence about its expressive silence which far outweighs the wealth of words. Sir, there is one question which I think, at the close of this long inquiry, can hardly fail to be made,—Whence did this mass of falsehood originate? Who organized this foul conspiracy? Who invented, who propagated, who connived at the story of the "bomb-proof oven and the Black Hole of Calcutta?" Who was the ingenious inventor of the indignities to Mrs. Lilley? Who thought of the "functions of nature performed in the presence of strange men?" These sort of stories don't invent themselves. They have an author somewhere. I have not the honour of Mr. Fortescue's acquaintance, but I have no reason to doubt that he is a gentleman in every way worthy of the noble name he bears. I give him every credit for having sincerely believed the statements he was induced to make; but I think he cannot and he will not let this matter rest where it is. He has vouched witnesses in the presence of Parliament for the truth of assertions which are now proved to have been wholly false. The honour of Mr. Fortescue seems to me to demand, the dignity of Parliament seems to require, that he should help to expose the fraud of which he has been the dupe. The country is in the habit of taking for granted assertions thus vouched in public by honourable men. When such men have been deceived they owe it to themselves and to others to give up their authority. I think Mr. Fortescue will feel that he owes some explanation of this matter to the officer he has so cruelly wronged, and to the nation he has so expensively misguided. And, Sir, what I say of Mr. Fortescue, I say also of the nobler portions of the English press. They have inflicted on me great suffering and irreparable injury, but I believe they have done it unwittingly. It is, I know, the high and honourable function of a free press to call for justice upon wrong-doers, and to defend the cause of the innocent. I have no doubt that in what they have done they thought they were acting upon reliable information and performing a paramount duty. But I think they owe it to themselves and to the public to put others on their guard against those who have thus deceived them. I think that when this trial is over, they will consider that there is some reparation to be made, and that there remains another injustice to redress. The press of India in this respect has already set an honourable example. The *Times of India*, which was one of my bitterest opponents, has expressed in the most honourable manner its regret at having given credence to the volumes of correspondence with which Mr. Smales had plied it. They say, and they say it truly, "It is the fact, we fear, that the late Sergeant-Major Lilley was more the victim of Paymaster Smales than of Colonel Crawley." I know, Sir, there are journals of another stamp who will continue to repeat exploded falsehoods and to reproduce refuted slander. But I heed them not. These are not the legitimate exponents of the sentiments of a just and generous nation—a nation which is honourably vehement in its indignation against supposed oppression, but which is equally frank in its repentance for unintentional injustice. And now, Sir, this long and tedious address must have an end. Forgive me if I have wearied you. Remember what a spring-tide of obloquy I have had to roll back, and to crowd into a few hours a defence against months of calumny. Permit me, before I close, to tender to the prosecution my acknowledgment of the fairness and the courtesy with which they have performed a painful duty. That fairness and that courtesy I know I had the right to expect both from the official position and the personal character of the gentlemen who have conducted it. But it is not the less fitting that I should here acknowledge it. I trust they will pardon any impatience which I may have exhibited in a long and anxious struggle. And now, Sir, this contest is over. I have fought a battle which is not mine alone, but that of every one who may be similarly placed. I have fought the battle of the English army against secret conspiracy and anonymous slander. There is no one so high whom such treacherous blows may not reach; there is no one so low that he can escape this crawling venom. If in exhibiting the triumph of truth and exposing

the machinations of falsehood I shall have contributed to deter men from the repetition of such attempts; if from this example others shall have learnt not to give too ready an ear to imputations upon the honour of absent men serving their country abroad; if the experience of this trial shall make such another event impossible, the English army and the English nation will have gained by my loss; and much as I have suffered I shall have the satisfaction of feeling that I have at least not suffered in vain. I have fought this gigantic battle, and I have fought it alone. I have fought it with no friend but truth, and no protector but the All-knowing and the All-mighty. My enemies' name is legion, but against such defence their malignity was impotent for harm. They have sought my shame, and they have accomplished their own. They have attempted my ruin. I will not deny them the satisfaction of knowing that they will have partly succeeded. The cost of this tremendous struggle will have exhausted that slender fortune which is the only provision of those who are dearer to me than myself. Sir, let them enjoy their triumph. It is the only one they will obtain. They may have ruined my fortune, my reputation is beyond their reach. They have filched from me what is but trash; it will be for you to give me back that without which I am poor indeed. My part is done; yours yet remains. I know what your sentence must be, because it will be in accordance with the evidence and according to the truth. I cannot hope that you will in every detail consider my conduct faultless. I cannot expect that in the long course of these trying events you may not discover in my behaviour, under unexampled difficulties, some errors of judgment, and some defects of temper. I can only say, let those who are without such sins cast at me the first stone. But of these grave and serious charges I know you must absolve me, for I know I am innocent of them. You will give me back my character; you will give me back my sword—a sword which has been for thirty years—ay, and which shall be again—at the service of a nation at whose hands, in the language of the charge, I have suffered "great and grievous hardships." You will redeem what remains to me of life from dishonour, and you will rescue my memory from disgrace. Sir, I await the sentence of the Court.

ALCOHOL FROM GAS.—The industrial world has for some time been much interested in the reported progress of a process for producing alcohol from ordinary illuminating gas at a very low cost,—some five and twenty francs per litre. A sample appeared amongst the curiosities of the late Exhibition. Moreover, we have had accounts, in some of the continental journals, of the manufacture being carried on at St. Quentin, the apparatus receiving coal at one side and turning out spirit at the other. These are exaggerations of certain results obtained by a company organized at St. Quentin for the practical application of M. Cotelle's patent, which is founded on the experiment of Berthelot, in 1855, by means of which he accomplished the synthesis of alcohol by causing the absorption of olefiant gas by sulphuric acid, thus converting it into sulpho-vinic acid, a compound readily turned into alcohol by processes long ago known. This experiment was made known by Hennell thirty years ago. M. Cotelle employs illuminating gas, which contains from 4 to 12 per cent. of olefiant gas, after separating which by sulphuric acid there remains a gaseous mixture very suitable for burning, so that this alcoholic ingredient ought to cost but very little, especially if the manufacture be undertaken at the mines, so as to take advantage of the gas which issues from the coke furnaces. To produce one hectolitre or 20 gallons of alcohol of 90 per cent., M. Cotelle uses not more than 40 cubic metres of olefiant gas, which corresponds to about two tons of the coal used at St. Quentin. But the difficulty is not solely in the production of olefiant gas; there is also needed a large amount of concentrated sulphuric acid. This, used at a strength of 66°, remains after the completion of the work at only 20° or 25°. It therefore requires concentration by a new process, or to be utilized in its diluted state, for a hectolitre of alcohol requires for its production 1,500 kilometres of sulphuric acid at 66°. This series of difficulties is gradually being overcome. The following is Cotelle's process. Starting with the purification of the gas, it is freed from sulpho-hydric acid and ammonia, then desiccated over sulphuric acid. Drawn along by suction like that of a pump, the dry gas is directed to a column of glass or sandstone furnished with trays or diaphragms pierced with small holes, from which sulphuric acid descends to meet and dissolve the olefiant gas. The solution takes places slowly, the apparatus requiring as many as forty trays to distribute enough sulphuric acid to absorb the gas and be saturated with it. The sulpho-vinic acid thus obtained is next treated with five times its volume of water which carries over the alcoholic product. The vapours are condensed, and the alcoholic liquid thus obtained is redistilled over a little lime to separate any sulphuric acid which may have come over in the first distillation; and the liquid thus obtained is rectified to produce alcohol at 90°. The residue of the operation is, as we have stated, sulphuric acid at 20° or 25° and a gas fit for burning or fuel.

CONCENTRATION OF MINERAL WATERS.—Sea-water in freezing forms flakes of ice of nearly pure water, leaving a residue of extremely saline liquid, which in northern countries is utilized in the production of salt. Recently Dr. Robinet applied freezing to the purification of fresh water, and found it effectual in ridding it of the magnesia, lime, and other salts which commonly occur in it. It is now proposed to procure water on ship-board by congelation by means of Carre's apparatus, instead of by evaporation. The same means is being made use of for the concentration of mineral waters—a problem long attempted to be solved by heat, but which failed because the gas originally in solution was expelled. Cold works better. Dr. Henry,

of Paris, has experimented with forty different varieties of water, and finds it possible by congelation to reduce mineral waters to one-fifteenth, or even one-twentieth of their original volume without producing any alteration in the gases contained in them. One hundred litres of mineral water can thus be reduced to five for transportation; and moreover the ice itself is valuable.

AN immense hydraulic shearing machine, weighing 24 tons, has been manufactured at the Cromwell Works, Birmingham, for the Russian Government. It has a power of pressure equal to a 1,000 tons, and is able to snap to pieces a bar of cold iron six inches square.

MEETINGS OF LEARNED SOCIETIES NEXT WEEK.

MONDAY.

ASIATIC—At 3 P.M. **ASIAN**

ETHNOLOGICAL—At 8 P.M. 1. "First Steps towards the Domestication of Animals." By F. Galton, Esq. 2. "On the British God Mogor and the Religion of the Northumbrians." By the Rev. G. Rome Hall.

TUESDAY.

ROYAL INSTITUTION—At 3 P.M. Juvenile Lecture. "On Electricity at Rest and Electricity in Motion."

LIST OF NEW PUBLICATIONS FOR THE WEEK.

- Alford (Dean), *The Queen's English*. Fcap., 5s.
Analysis of Proceedings in Common Law Actions. 8vo., 1s.
Annals of the Army of the Cumberland. 8vo., 18s.
Art Journal Catalogue of the Exhibition of 1862. Folio, 21s.
A Woman's Romance. By F. W. Robertson. 3 vols. Cr. 8vo., £1. 11s. 6d.
Baillie (Rev. J.), *Christ Our Life*. Fcap., 3s.
Ballantyne's Miscellany. Vols. 1 to 3. Fcap., 1s. each.
Barnard (Rev. M. R.), *Sport in Norway*. Cr. 8vo., 12s.
Beeton's Illuminated Bible. Royal 8vo., £3. 3s.
Bellar's and Davie's Guide for Stamp Collectors. Fcap., 1s.
Bonar (Rev. H.), *Hymns for Faith and Hope*. 2nd series. 32mo., 1s. 6d.
Boy's Book of Rock Work Modelling. Royal 8vo., 2s.
Book (The) and its Missions. Vol. 8. 8vo., 4s.
Browning (Mrs.), *Poems*. 6th edit. 4 vols. Fcap., 24s.
Burgh (W. A.), *Treatise on Sugar Machinery*. 4to., 30s.
Burton (R. F.), *Abbeokuta and the Cameroons Mountains*. 2 vols. Cr. 8vo., 25s.
Charity at Home. 18mo., 2s.
Children's Songs of Town and Country Life. Royal 8vo., 2s. 6d.
Child's Picture Scrap Book. Coloured Illustrations. Folio, 10s. 6d.
Children's Party (The). Cr. 8vo., 1s.
Christian Treasury. Vol. for 1863. Royal 8vo., 6s. 6d.
Clarke (M.), *Farrago; or, Facts, Fun, and Fancies*. Fcap., 1s.
Coleenso (Bp.), *on the Pentateuch*. Part 4. 8vo., 10s. 6d.
Cutts (Rev. E. L.), *on the Christmas Decoration of Churches*. 2nd edit. 8vo., 5s.
Davidson's Precedents in Conveyancing. Vol. 4. 8vo., 28s.
Davies (Rev. J. L.), *Baptism, Confirmation, and the Lord's Supper*. Fcap., 1s. 6d.
Delara's Art of Illuminating. 7th edit. Cr. 8vo., 3s.
Doyle (R.), *Birdseye Views of Society*. Oblong folio, 15s.
Easy Rhymes for Young Children. 18mo., 1s.
Galloway (Rev. W. B.), *Isaiah's Testimony for Jesus*. 8vo., 14s.
Gatty (Mrs.), *Parables from Nature*. 4th series. 32mo., 2s.
Gentle Life (The): *Essays*. Cr. 8vo., 7s. 6d.
Goddard (Julia), *More Stories*. Cr. 8vo., 2s. 6d.
Greene (R.), *Manual of the Celenterata*. 2nd edit. Fcap., 5s.
Gutch's Literary Register, 1864. 3s. 6d.
Hannam (Rev. T.), *Pulpit Assistant*. Vol. 4. Fcap., 2s. 6d.
Harry's Vacation. By W. C. Richards. New edit. Cr. 8vo., 2s. 6d.
Headland (E.) and *Swete (H. B.)*, *on the Epistle to the Thessalonians*. Fcap., 4s.
Homes Made Happy. Cr. 8vo., 3s. 6d.
Homilist (The). Vol. 2. 3rd Series. Cr. 8vo., 5s. 6d.
Harace's Odes. Books 1 and 2. With Literal Translations by C. Dalton. 8vo., 5s.
House (The) of Elmore. New edit. Cr. 8vo., 5s.
Hurst and Blackett's Standard Library.—*Lost and Saved*. By Mrs. Norton. Cr. 8vo., 5s.
Ingelow (Jean), *Poems*. 4th edit. Fcap., 5s.
Italy: Classical, Historical, and Picturesque. Royal 8vo., 42s.
Jeanes (W.), *Modern Confectioner*. New edit. Cr. 8vo., 6s. 6d.
Lame John. 18mo., 1s.
Lodge's Peerage and Baronetage, 1864. Royal 8vo., £1. 11s. 6d.
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